
REGIONAL SECURITY COOPERATION IN THE EAST AFRICAN COMMUNITY

SABASTIANO RWENGABO

BA (First Class) (Hons.), MA (Pub Admin. & Mgt), MAK.

**A THESIS SUBMITTED
FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY**

**DEPARTMENT OF POLITICAL SCIENCE
NATIONAL UNIVERSITY OF SINGAPORE**

2014

DECLARATION

I, Sabastiano RWENGABO, declare that this thesis is my original work. It has been written by me in its entirety. I have duly acknowledged all the sources of information which have been used in the thesis.

The thesis has also not been previously written or submitted for any degree or any other award in any University or institution.



Sabastiano RWENGABO

21 July 2014

Acknowledgement

Along this journey I met many people who help me through the long, bumpy, road to and through Graduate School. It is impossible to acknowledge even a good fraction of them. I hope and pray that all those who supported me but find their names unmentioned here bear with me and accept that I do highly appreciate their invaluable contributions.

From my parents who sent me to, and supported me through, formal schooling; through my brothers and sisters—the Rutashoborokas—to my family members—the Rwengabos—and relatives, my closest people endured my long absence while inspiring and supporting me invaluablely. Your support and prayers helped me romp through doctoral manoeuvres.

My Academic Advisors—Prof Janice Bially-Mattern; Prof Reuben Wong; Dr Karen Jane Winzowski—advised and mentored me, reading and re-reading my work countless times. They kept me on track, “in one shape” until we all saw “some light at the end of the tunnel.” Other Professors in the Department and beyond—Terence Lee, Luke David O’Sullivan, Kevin McGahan, Jamie Davidson, Chen An, Tobias Hofmann, Yoshinori Nishizaki, Robert Woodberry, Soo Yeon Kim, Terry Nardin, Shirlena Huang (Migration Cluster/Dean’s Office), Elaine Ho (Geography/Migration Cluster)—taught and advised me through the many modules, teaching tasks, and engagements in and outside the department, the University, and the World. They helped me understand my world and make sufficient sense out of it to write this Thesis.

My friends and mentors in the Pearl of Africa—Tibesigwa-Rutashoboroka, Busharizi-Rutash., Ntwirenabo-Rutash., Tumwekwatse-Rutash., Kyosiimire-Ruta., and Resty Kansiime; Simon K. Karuhanga, Atwine-Bahiigi, Pheonah Tumuhimbise, James Niwamanya, Innocent Ndungutse; the families of George Sabiiti-Bashaija, Chris Byaruhanga, Jimmy Musimbi, Charles and Aurelia Bakahumura, Stephen Warufu-Birungi, Acleo Ainomugisha, Moses Mukundane; Prof Sabiti-Makara, Mark Alexander Mashemererwa, Prof Murindwa-Rutanga, Dr Mesarch Katusiime, Dr Simon-Peter Rutabajuuka, Prof Julius Kiiza; Robert Bob Beine, Emmanuel Marx Bajungu, Deo Tukacungurwa, Emmanuel Aturinde, Pascal Barebente, Gloria Komugisha, Godwin Kamugisha, Rhita Katusiime, Lambert Muhumuza-Kanyantsi, Gertrude Apio; colleagues and friends of Ms Anne Mary Tusingwire—and many others ... supported my family in my absence, encouraged me to keep going, supported me during fieldwork, and more... I Love and Bless You. There were also incredible human souls in Singapore like Kwadwo Konado Ansah-Antwi, David Kwamena-Mensah, Nega Tassie, Sybil Obuobi, Dr Grace

Birungi, Thomas Okullo and his family, John Williams, Prince 'Ghana', Ashraf Ahmad, Ernest Adu, Isaiah Goitom, Richard Kizza, Gace A. Dalson, Anthony Bayega, and others who prayed for, advised, share with, and helped me.

Administrative staff at NUS—from those with whom I corresponded in the Registrar's and Dean's Offices before travelling to Singapore, such as Dayang Sumandeng binte Chokri (Academic Registrar's Office) and Suzan Khoo Poh Siok (Dean's Office, Faculty of Arts and Social Sciences), and day-to-day administrative support of Noor Sham binte Abdul Hamid, Angeline Koh Yeong Ying and others in the Department, to staff in the Institutional Review Board (like Annie Koh and Tan Hui Cheng)—kept communication lines open. They clarified many things for me before and after I arrived in Singapore. You kept me “in line”, helping me throughout this program. I am forever thankful to You All.

Fellow students in and outside the Department were many. I guiltily mention few colleagues and friends Liberty Lopez Chee, Chen Chao, Bubbles Beverly Neor Asor, Walid Jumblatt bin Abdullah, Li Xiang, Daniel Olsher, Harrison Cheng; Amelia Chia Biyun, Shuyi Chua; Mabel Seah Min Li, Charmaine Chua, Zdeni Dejanova; and other students before and after we had joined. Students I taught in the department count in the hundreds. Thankful to all of them for the friendship and learning and support we shared, I beg each's understanding to mention only: Lim Wee Keat, Lim Chee Wei, Rajpal Singh S/O Harvinder S, Chan Jun Hao, Angel Mah Yi Xin, Seetoh Kahmun, Michelle Djong Hui Ing, Rastus Chow Yong En, Sean Yap Xi Yi, Johannes Aster Toledo Rubiano, Lo Soon Hui, Chew Kai Wei, Afiqah Zaina, Alfred Wan, Chodhury Sohini, Constance Piat, Corina Patricia Kartz, Shubaashini D/O Vijayamohan, David Wong, Natalie Chia Si Hui, Aloysius Foo Zhou Jie, Khairiah Bte Mohamad, Natalie Cheang, Clarissa Koh Cai Lin, Xiong Jieru, Sinja Cathrin Wernz, Clement Tan Wen Bin, Clement Ho Wei-Jian, Nimeshan Hansaka Sujathe, Chia Yi Hui, Koh Hui Li, Alyssa Chloe Tan Yan Yi, Chen Zixian Zach, Sean Yap Zhi Yi, Alice-Mary Elizabeth, Annabelle Chen Xinlin, Clara Lee Yen Yin, and Daniel Williams.

There were great East Africans: Respondents, Informants, Administrators who assisted me during fieldwork, and many others...Charles Ngeleja Kadonya and his colleagues (EALA); Costa Mashauri, Emmanuel Diah and colleagues (EAC Resource Centre); Joy Olive Tibenderana and colleagues (EAC Secretariat); officers in EALA Speaker's Office; officials from relevant ministries/departments in EAC Partner States; respondents throughout the Region; and persons whose assistance in one way or the other contributed to this success. I am indebted to You All.

Table of Contents

DECLARATION	i
Acknowledgement	ii
Table of Contents	iv
Summary	vii
List of Tables	ix
List of Figures	x
Recurring Acronyms	xi
Map of the EAC	xiv
CHAPTER ONE	1
INTRODUCTION	1
The Puzzle	2
Argument	6
Situating the Puzzle	12
Why the Puzzle is Important	17
Inadequacy of Existing Explanations	25
Research Design	34
Organisation of the Thesis	44
CHAPTER TWO	46
THE PUZZLE OF SECURITY COOPERATION IN THE EAC – THE LITERATURE	46
Regionalism and Regional Organisations	48
Regionalism and Regional Security Cooperation	51
Understanding Non-Cooperation on Rebellions in the EAC	66
<i>Unexplained Issues: The Analytical Value of Sovereignty</i>	84

CHAPTER THREE	86
SOVEREIGNTY CONCERNS, SOVEREIGNTY BARGAINS, AND SECURITY COOPERATION	86
Overview	86
State Sovereignty: The Microfoundation of Sovereignty Concerns	89
Sovereignty Bargains.....	123
International/Regional Security Cooperation	132
CHAPTER FOUR	137
DIFFERENT SECURITY ISSUES, DIFFERENT SOVEREIGNTY CONCERNS	137
Overview	137
Sovereignty Concerns and their Variations.....	138
Discerning Levels of SCs that Different Security Issues Evoked	148
From Sovereignty Concerns to Sovereignty Bargaining	166
CHAPTER FIVE	168
NORMAL BARGAINING AND SECURITY COOPERATION IN THE EAC.....	168
Chapter Overview	168
The EAC Security Cooperation Framework	170
From Normal Bargaining to Security Cooperation Instruments/Protocols	172
Security Cooperation: Terrorism and SALWs	189
Précis of Findings	220
CHAPTER SIX.....	223
NON-BARGAINS AND NON-COOPERATION ON ARMED REBELLIONS	223
Introductory Overview.....	223
Rebellions as Critical-Sovereignty Issues in the EAC.....	224
Non-Bargaining Strategies and Non-Cooperation on Rebellions.....	244

Précis Of Non-Bargaining and Non-Cooperation	279
CHAPTER SEVEN	285
CONCLUSION.....	285
Summary of Findings.....	286
Implications of the Study.....	291
Applicability beyond the EAC.....	301
Recommendations.....	305
BIBLIOGRAPHICAL REFERENCES	a
LIST OF APPENDIXES	dd
Appendix I <i>Major Historical Events and Processes in East African Regionalism</i>	dd
Appendix II Research Instruments.....	gg
Appendix III Organisations/Institutions Covered During Field Research.....	kk
Appendix IV Armed Rebellions Affecting EAC States Since 1993	mm
Appendix V Selected Terrorism Attacks against EAC States	pp
Appendix VII Selected List of Africa-Based International Instruments on Counterterrorism and Control of SALWs Proliferation.....	tt
Appendix VII Research Clearance	vv
Appendix VIII Author's Curriculum Vitae	xx

Summary

The puzzle of international security cooperation is this: states operating through regional intergovernmental organisations may cooperate on some security issues but not others. Yet regionalism—organised interstate cooperation within geopolitically contiguous regions—presupposes interstate cooperation to solve region-specific problems, optimise benefits of interdependence, and avoid/reduce suboptimal outcomes of non-cooperation. Hence, it is puzzling that East African Community (EAC) partner states cooperate on various transnational security issues but not on prevailing, transnational armed rebellions with serious regional security implications. This defies theoretical expectation that states facing common security threats have incentives to use regional security solutions. It refutes contextual anticipation that states cooperate on their salient security threats. It naysays current optimism on Africa's evolving security-cooperation frameworks.

I address this puzzle using the findings of in-depth qualitative investigations in East Africa. Combining Litfin's "sovereignty bargaining" thesis with Thomson's notion of "meta-political authority", I establish an association between *Sovereignty Concerns* (SCs)—fears regarding potential erosion of states' sovereign authority in trying to address prevailing insecurity—and different cooperation outcomes on different security issues. I reveal that different security issues evoke different intensities of SCs depending on whether states consider them to be domestic in origin and/or targeting particular states; the requisite intergovernmental agencies for resolving the given issue; and states' conviction about sovereign entities' independent solutions to a given security issue. Different levels of SCs generate different sovereignty bargains befitting different security issues. The sovereignty bargains, in turn, determine which security issues get included on regional agendas and security cooperation instruments, and the relevant cooperation practices. *Low-level* SCs engender normal bargains that lead to consensual cooperation on "coordination-problem" security issues. *High-level* SCs produce "non-bargains" which stymie cooperation on "critical-sovereignty" issues: rebellions.

To empirically demonstrate this sovereignty-bargaining argument: First, I reveal that normal bargains—formal negotiations, expert analyses, and consultations—led to the inclusion of various security issues in the EAC’s security cooperation framework, hence cooperation on them. Regional counterterrorism efforts and measures against small arms and light weapons’ proliferation demonstrate this relationship. Thus, normal bargains led to cooperation on coordination-problem security issues because states knew cooperation would not erode their meta-political authority. Second, I reveal that non-bargains—purposeful *silence* about rebellions during agenda setting and judicial *opposition* to pro-cooperation demands—stymied cooperation on rebellions. Opposition judicially cleared the EAC’s non-involvement in states’ counterinsurgency tasks, preventing undesirable precedent on future involvement. Silence prevented rebellions’ inclusion in the EAC’s agenda and security cooperation frameworks, and also stymied legislative demands for structural-institutional changes needed to cooperate them. Through non-bargains states stymied cooperation on rebellions fearing that cooperation would erode their meta-political authority.

The findings and argument imply that: First, sovereignty bargains originate from state sovereignty itself. Theorising sovereignty allows us to determine its independent influence on international security cooperation. Second, beyond bargaining theorists’ emphasis on formal bargaining processes, non-bargains influence security cooperation outcomes and are empirically demonstrable. Third, by theorising sovereignty and turning it into an analytic category, this study deepens our understanding of security cooperation beyond standard claims on collective action problems, nature of the state, and elite interests in Africa and beyond. Fourth, beyond optimism on evolving security cooperation in Africa, SCs still render cooperation on armed conflicts problematic. Finally, besides bringing the understudied EAC to scholarly attention, the taxonomy of SCs is a novel contribution to studies of security and non-security cooperation in the developing world.

List of Tables

TABLE 1: TABULATION OF MAIN ARGUMENT	8
TABLE 2: ASSOCIATION OF KEY CONCEPTS/VARIABLES AND CORRESPONDING CASES (SECURITY ISSUES)	37
TABLE 3: SOVEREIGNTY CONCERNS, SOVEREIGNTY BARGAINS, AND SECURITY COOPERATION	87
TABLE 4: DIFFERENT SECURITY ISSUES, DIFFERENT SOVEREIGNTY PARAMETERS	148
TABLE 5: INTERVIEW EXTRACT - "IN SECURITY AFFAIRS WE COOPERATE AS SOVEREIGN STATES"	225
TABLE 6: SUMMARY OF FINDINGS	286

List of Figures

FIGURE 1: SUMMARY OF ARGUMENT	7
FIGURE 2: THE HIERARCHY OF BARGAINING AND DECISION MAKING	177

Recurring Acronyms

AFRICOM:	United States Africa Command (also abbreviated: USAFRICOM)
AMISOM:	African Union [peacekeeping] Mission in Somalia
APSA:	African [Union] Peace and Security Architecture
ARLPI:	Acholi Religious Leaders' Peace Initiative
ASEAN:	Association of Southeast Asian Nations
ASF:	African [Union] Standby Force
AU:	African Union (formerly, Organisation of African Unity: OAU)
C/DMI:	Chieftaincy/Directorate of Military Intelligence
CADSP :	Common African Defence and Security Policy
COMESA:	Common Market of Eastern and Southern Africa
CRACR :	Committee on Regional Affairs and Conflict Resolution (see: EALA)
CSSDCA:	Conference on Security, Stability, Development and Cooperation in Africa
DLO:	Defence Liaison Officer
EAC:	East African Community
EACJ:	East African Court of Justice
EACSO :	East African Common Services Organisation (predecessor to the EAC before 1967)
EALA:	East African Legislative Assembly
EAPCCO:	Eastern Africa Police Chiefs Cooperation Organisation
EASF:	East African Standby Force (formerly Eastern African Standby Brigade, EASBRIG)
ECOMOG:	Economic Community of West African States Monitoring Group (predecessor to Economic Community of West African States Military Mission in Liberia: ECOMIL)
ECOWAS:	Economic Community of West African States
EWG:	Experts Working Group (e.g. Defence Experts' Working Group: DEWG)

FDLR:	<i>Forces Democratiques de Liberation du Rwanda</i> /Democratic Forces for the Liberation of Rwanda
GCF:	Global Counterterrorism Forum
GIZ/GTZ:	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i> /Deutsche Gesellschaft für Technische Zusammenarbeit (German Federal Enterprise for International Cooperation)
GoSS:	Government of South Sudan (before 2011 independence for the Republic of South Sudan)
ICGLR:	International Conference on the Great Lakes Region
IGAD:	Inter-Governmental Authority on Development
IMUL:	Independent Medical-Legal Unit (Kenya)
JATT:	Joint Anti-Terrorism Task Force (Uganda's counterterrorism agency)
LRM/A:	Lord's Resistance Movement/Army
MFDC:	<i>Movement des Forces Démocratiques de la Casamance</i> (Movement for Democratic Forces of Casamance - <i>MDFC</i>)
MDP:	Mutual Defence Pact
MERCOSUR:	<i>Mercado Común del Sur/ Mercado Comum do Sul</i> (Southern Common Market, part of Union of South American Nations: USAN)
MINUSMA:	Multidimensional Integrated Stabilisation Mission in Mali
MONUSCO:	<i>Mission de l'Organisation des Nations Unies en République démocratique du Congo</i> (United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo. Replaced United Nations Organisation Mission in the Democratic Republic of Congo – MONUC – from 1 July 2010)
N/RFP:	National/Regional Focal Point (against terrorism, or small arms: see SALWs)
NATO:	North Atlantic Treaty Organisation
PALIR:	<i>Peuple Arme pour la Liberation du Rwanda</i> (People's Army for the Liberation of Rwanda)
PREACT:	Partnership For Regional East African Counterterrorism (Replaced Eastern African Regional Security Initiative – EARSII – and East African Counterterrorism Initiative: EACTI)
R2P/RtoP:	Responsibility to Protect

RECs:	Regional Economic Communities (official name for Regional Organisations – ROs – in Africa under the continental organisation, AU)
RECSA:	Regional Centre on Small Arms [and Light Weapons] in the Great Lakes Region, the Horn of Africa and Bordering States
RFRC:	Regional Forensic Referral Centre
RPF/A:	Rwandese Patriotic Front/Army (aka <i>Front patriotique rwandais</i>)
SADC:	Southern Africa Development Community
SALWs:	Small Arms and Light Weapons
SCs:	Sovereignty Concerns (this Thesis's Independent Variable: IV)
SMDL:	Sabot Movement for the Defence of Land
TSCTP:	Trans-Sahara Counterterrorism Partnership
UNAMID:	African Union-United Nations Hybrid Operation in Darfur (succeeded African Union Mission in Sudan: AMIS)
UNODA :	United Nations Office for Disarmament Affairs
UNPOA:	United Nations Program of Action on Small Arms [and Light Weapons]

Map of the EAC



Used with approval from the EAC Directorate of Corporate Communications

“The Partner States agree that peace and security are pre-requisites to social and economic development within the Community and vital to the achievement of the objectives of the Community. In this regard, the Partner States agree to foster and maintain an atmosphere that is conducive to peace and security through co-operation and consultations on issues pertaining to peace and security of the Partner States with a view to prevention, better management, and resolution of disputes and conflicts between them.”

Treaty for the Establishment of the East African Community, Art. 124(1)

REGIONAL SECURITY COOPERATION IN THE EAST AFRICAN COMMUNITY

CHAPTER ONE

INTRODUCTION

Why do states operating in regional intergovernmental organisations (ROs) cooperate on some security issues and not others? Specifically, why do partner states of the East African Community (EAC) cooperate on several transnational security issues but not on armed rebellions yet these too are not only transnational but have regional security implications? Although the EAC has registered more cooperation progress in economic, social, infrastructure, and scientific affairs, as observed in the customs union and common market, harmonisation of currency exchanges, and joint projects in infrastructure development and on managing Lake Victoria¹, progress in the security realm remains limited: more so, non-cooperation on rebellions remains a serious puzzle.

Transnational rebel conflicts remain a serious security concern, and a common cause of insecurity in Africa. While not Africa's only security threat, rebellions gnaw at the marrow of national, regional, and continental peace, security, stability, and development: they link with and exacerbate other security threats like small arms and light weapons (SALWs) proliferation, refugee problems, child soldiering, transnational ethnic conflicts, warlordism, war economies, and international terrorism. Sometimes rebel conflicts lead to grave circumstances like war crimes and crimes against humanity, generate interstate conflicts, and lead to state failure or collapse, with resulting general insecurity for societies and states.² Given this insecurity, attempts at intergovernmental

¹ EAC, 2004. *Protocol for the Establishment of the East African Community Customs Union*; 2007, *Protocol for the Establishment of the East African Common Market*. Arusha: EAC; Peter Kagwanja, 2007. 'Calming the Waters: the East African Community and Conflicts over the Nile Resources. *Journal of Eastern African Studies*, 1 (3):321-337; EAC, 2012. *Investing in 21st Century Infrastructure for Deeper Integration: 14th Ordinary Summit of the EAC Heads of State*, 30 November 2012. Nairobi: EAC

² African Development Bank, 2009. *Africa Development Report 2008/2009: Conflict Resolution, Peace and Reconstruction in Africa*, Oxford: Oxford University Press esp. Ch. 2

solutions to prevailing insecurity feature in African states' international-security relationships.³ The EAC, for instance, acknowledges the "need to marshal our initiatives, efforts, resources, and capabilities to collectively address the various defence and security challenges facing the Community, and [to] achieve a common goal of collective regional peace and stability that is the bedrock of economic progress."⁴

It is puzzling, however, that the EAC seems to insist that "a rebellion remains a concern of the partner state" and that "we do not move to police other countries"⁵ in a region afflicted with transnational rebel insecurity. Moreover, amidst rebellions' transnational dimensions and security implications, and while most EAC partner states have suffered these conflicts, states agreed to cooperate on *other* security issues like terrorism, SALWs proliferation, piracy and others. The EAC considers rebellions to be "sensitive internal [security] issues of a political nature"⁶ that have yet to feature on the RO's security agenda. Hence, "So far no country has come up to say 'We should cooperate against armed rebellions'."⁷ This non-cooperation defies theoretical expectations that states facing common security challenges have incentives "to invest in building regional security arrangements."⁸

The Puzzle

This study investigates the above puzzle about regional security cooperation in the EAC, which has received little scholarly attention since the 1990s.⁹ One explanation for the puzzle might be that EAC partner states have no common interest in addressing armed conflicts affecting them. This begs the question: why would states not

3 James J. Hentz, ed., 2014. *Routledge Handbook of African Security*, London: Routledge, Part III: pp. 197-229. Adekeye Adebajo, 2002. *Building Peace in West Africa: Liberia, Sierra Leone, and Guinea-Bissau*. Boulder, CO.: Lynne Rienner Publishers; Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, and I. William Zartman, 1996. *Sovereignty as Responsibility: Conflict Management in Africa*. Washington, DC: Brookings Institution

4 EAC, 2009 (10 November). *Minutes of the Meeting of the Consultative Committee on Cooperation in Defence Affairs: Report of the Meeting* (Doc. EAC/SC/12/2008, Dir. 5 and 7). Arusha: EAC, p. 4.

5 Julius Tongus Rotich, PhD, *Interview*, Arusha, 20 Sept 2012

6 Doc. EAC/SC/12/2008, Dir. 5 and 7, p. 4.

7 Ferdinand Niyongabire, *Interview*, Bujumbura, 29 Aug 2012

8 Galia Press-Barnathan, 2005. 'The Changing Incentives for Security Regionalization: From 11/9 to 9/11.' *Cooperation and Conflict*, 40 (3):281–304 (p. 281)

9 E.g. no chapter in Hentz's Handbook, and no article in Special Issue: 'International Organisations in Africa', *South African Journal of International Affairs* 18(2), examines security cooperation in the EAC

have common interest in addressing some security issues but are interested in addressing others? Liberal rationalists, who critique the neorealist contention that cooperation among sovereign states under conditions of anarchy is difficult to achieve and hard to maintain because of relative gains considerations¹⁰, stress states' rational calculations and the pursuit of self-interest linked to the increasing interdependence among states. Some like Arthur Stein, for instance, might distinguish between kinds of transnational security issues. Stein might designate transnational security issues as "coordination problems" which require easy-to-form "coordination regimes", like the EAC's counterterrorism and anti-SALWs efforts; but designate rebellions as "collaboration problems" on which cooperation is more difficult because states fear the sovereignty-erosive implications of "collaboration regimes" on their decision-making autonomy.¹¹ For Stein, however, collaboration regimes may be *difficult but are still possible* to found. Yet, EAC states have not even tried to cooperate on rebellions. The puzzle remains unexplained because of the observed simultaneity of cooperation and non-cooperation.

Studies on African security regionalisms stress the nature of the state—its weakness, fragility, patrimonial nature, fractured socio-political forces, institutional weaknesses, competing interests, and other characterisations—to understand the dynamics of intra-Africa, regional, security cooperation. While Tavares stresses that national interests informed states' peacekeeping efforts in the Economic Community of West African States (ECOWAS) and South African Development Community (SADC)¹², Fisher's analysis of Uganda's participation in the AU Mission in Somalia (AMISOM) underscores the country's desire to please, and alter the perceptions of, western 'donors' whose interests in East Africa he seems to show as reducible to counterterrorism and good governance. Fisher's argument makes it appear as though the desire to "manage donor perceptions" obtains in all states that

10 Joseph M. Grieco, 1988. 'Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism.' *International Organization*, 42 (3):485-507; John J. Mearscheimer, 1994/5. 'The False Promise of International Institutions.' *International Security*, 19 (3): 5-49

11 Arthur A. Stein, 1993. 'Coordination and Collaboration: Regimes in an Anarchical World.' *International Organization*, 36 (2):299-324. Cf: Alan S Milward, 1992/2002, *The European Rescue of the Nation State*, London & New York: Routledge

12 Rodrigo Tavares, 2011. 'The Participation of SADC and ECOWAS in Military Operations: The Weight of National Interests in Decision-Making'. *African Studies Review*, 54 (2):145-176

are now participating in AMISOM for none of them has as good governance credentials as their western 'donors' would desire.¹³ Similarly, Alex de Waal blames cooperation inefficiency—in form of peacekeeping failures—on patrimonial politics that typifies the African state. He argues that African peacekeeping missions always fail because domestic political corruption translates into regional security-cooperation inefficiency.¹⁴ De Waal, however, does not appreciate that even foreign actors have failed in Africa as did the USA in Somalia in 1993, nor does he compare the better performance of Africa-led missions, such as ECOWAS missions in Liberia and Sierra Leone, and AMISOM in Somalia. Importantly, his analysis does not explain why and how such attempts to “keep the peace”¹⁵ arise where they do as does Tavares. None of these analyses pays sufficient attention to institutional principles that influence cooperation decisions on different security issues in Africa. The few recent works on security cooperation in the EAC focus on its counterterrorism efforts, its anti-SALWs measures, and the security-development nexus.¹⁶ None of these studies addresses the present puzzle.

Rationalist analyses on security cooperation in Africa might argue that states have no *national interests* in collectively handling rebellions as Nigeria and South Africa had when they joined peacekeeping operations in their respective regions.¹⁷ Yet these countries joined regional crisis responses within the ambit of their respective ROs. Others might subsume concurrent cooperation and non-cooperation within the African Union's continental security cooperation measures encapsulated by the African Peace and Security Architecture (APSA) whose

13 Jonathan Fisher, 2012. 'Managing Donor Perceptions: Contextualizing Uganda's 2007 intervention in Somalia.' *African Affairs*, 111 (444):404-423

14 Alex de Waal, 2009, 'Mission without end? Peacekeeping in the African political marketplace', *International Affairs*, 85 (1):99-113

15 Alex J. Bellamy and Paul D. Williams, 2005. 'Who's Keeping the Peace? Regionalization and Contemporary Peace Operations.' *International Security*, 29 (4):157-195

16 Wafula Okumu, 2007. 'Counterterrorism Measures in the East African Community', in Andre Le Sage, ed., *African Counterterrorism Cooperation: Assessing Regional and Subregional Initiatives*. National Defence University Press and Potomac Books, pp. 77-98; Kwesi Aning, 2009. 'African Counterterrorism Cooperation: Assessing Regional and Subregional Initiatives (Review).' *African Studies Review*, 52 (1):185-186; Brian Finlay, Johan Bergenas and Veronica Tessler, 2010. *Beyond Boundaries in Eastern Africa: Bridging the Security/Development Divide With International Security Assistance*. Washington DC/Muscatine IA: The Stimson Center/Stanley Foundation, p. 38; Annie Barbara Chikwanha, 2007 (18 Oct.). 'The Anatomy of Conflicts in the East African Community: Linking Security With Development.' Keynote speech to Development Policy Review Network-African Studies Institute, Leiden: Leiden Univ.

17 Tavares, 'The Participation of SADC and ECOWAS in Military Operations'.

implementation is decentralised to “Regional Brigades.”¹⁸ These analyses might understand non-cooperation on transnational rebellions as signifying either ineffectiveness in the APSA’s implementation or states’ non-compliance with commitments made at continental level. Neither explanation is convincing enough to tell us why states cooperate on some security issues and not others.

I offer a different explanation. Agreeing with a rationalist view that states make cost-benefit analyses on different cooperation problems, I stress the contention between states’ desire to preserve their sovereign authority and the need to jointly address prevailing insecurity. Thus, I deviate from Africanist scholarship that is obsessed with the nature of the African state and national and elite interests hypotheses for they downplay the independent influence of the institutional principle of state sovereignty. I advance a sovereignty bargaining thesis that better explains the relationship between states’ sovereignty concerns and variations in security cooperation outcomes in the EAC. Take the example of Karen Litfin’s sovereignty bargaining theory: underscoring the influence of state sovereignty on cooperation decisions, Litfin argues that states engage in sovereignty bargains—interstate negotiations revolving around the principle and practices of state sovereignty—as a result of which cooperation leads to reconfigurations in the norms and practices of state sovereignty.¹⁹ Less clear in her analysis, however, is whence these sovereignty bargains originate. Sovereignty concerns, I argue, precede interstate bargains on cooperation and give rise to these sovereignty bargains.

It is not whether the state is more or less sovereign in the Weberian sense—for states differ in their degree of internal control—but whether a state can lay claim to its independent, sovereign, existence as stressed in UN and AU conventions. Indeed, a critical rereading of some of the recent studies on Africa’s evolving security cooperation agendas reveals a focus on evaluating the *effectiveness* of existing security-cooperation efforts²⁰;

18 Alex Vines, 2013. ‘A decade of the African Peace And Security Architecture.’ *International Affairs*, 89 (1):89-109; Benedikt Franke, 2010. ‘Précis of Security cooperation in Africa: a Reappraisal.’ *African Security Review*, 19 (2):84-96

19 Karen T. Litfin, 1997. ‘Sovereignty in World Ecopolitics.’ *Mershon International Studies Review*, 41 (2):167-201; Walter Mattli, 2000. ‘Sovereignty Bargains in Regional Integration.’ *International Studies Review*, 2 (2):149-180

20 de Waal; Vines; Franke;

states' national *interests* in joint security measures²¹; the role of ROs in resolving conflicts affecting member states²²; and *structural factors* (viz end of the Cold War) that drove changes in Africa's security arrangements.²³ These approaches overlook the theoretical, empirical, and contextual puzzle of cooperation on different security issues and non-cooperation on transnational armed rebellions in the same RO. The few that focus on the EAC²⁴ do not address this simultaneity of security cooperation and non-cooperation. This is a major gap.

Argument

I argue that EAC partner states express Sovereignty Concerns (SCs)—fears about the potential erosion of their sovereign authority in trying to cooperate on the given security issues—which influence their decisions on whether or not to cooperate on those security issues. To understand cooperation among sovereign entities we need to underscore the challenge of balancing the demand for cooperation and the desire to preserve states' ultimate political authority that is inherent in the institutional principle and practices of state sovereignty. States are aware that cooperation might erode their sovereign prerogatives, and would like to cooperate without losing their sovereign authority. When faced with a cooperation problem, states face a dilemma: the need to benefit from cooperation and the desire to preserve their sovereign supremacy. They weigh the potential implications of cooperation on different security issues for their sovereign authority. Making qualitative judgements on the different security issues basing on how these issues relate to states' sovereign authority that is embodied in their authority structures, states designate, and react to, different security issues differently. States, therefore, express different levels or intensities of SCs. These SCs generate different sovereignty bargaining strategies. Through sovereignty bargains, states decide whether or not to cooperate on the different security issues. The different

21 Tavares; Fisher

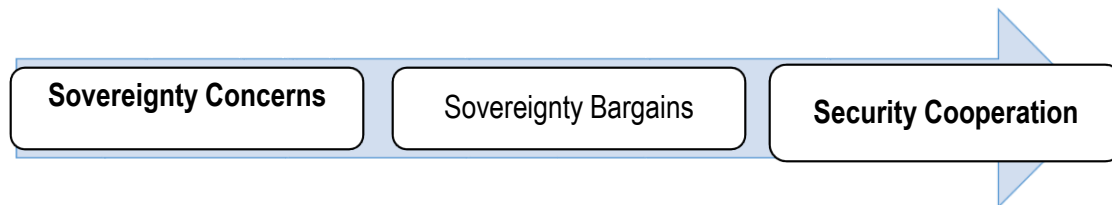
22 Jane Boulden ed., 2003. *Dealing with Conflict in Africa: The United Nations and Regional Organisations*. New York: Palgrave; Anthoni van Nieuwkerk, 2011. 'The Regional Roots of the African Peace And Security Architecture: Exploring Centre–Periphery Relations.' *South African Journal of International Affairs*, 17 (2):169-189

23 Omar A. Touray, 2005. 'The Common African Defence and Security Policy.' *African Affairs*, 104 (417):635-656; Williams

24 E.g. Okumu; Finaly, Berganas and Tessler

bargains lead to cooperation on some security issues and non-cooperation on others in the same RO. This argument accounts for variation in levels of SCs, the sovereignty bargains which these SCs engender, and the security cooperation outcomes that result. I summarise this core argument as follows:

Figure 1: Summary of Argument



The above argument raises a key issue: specifying SCs, our Independent Variable (IV). SCs are states' qualitative judgments of different security issues that reflect worries about the potential erosion of states' sovereign-ness in an attempt to cooperate on a given security issue. They inhere in states' self-awareness as sovereign entities. States fear to sacrifice their sovereign stateliness at the altar of joint efforts against some security issues. States interpret some security issues as domestic in origin and directly related to particular states; consider the threats posed by the necessary intergovernmental agencies for resolving the issue to existing state-security agencies; and express or otherwise project the standpoint that some security issues should be managed with sovereign entities' own resources and authority structures. As states judge security issues along these parameters, different security issues evoke different intensities of SCs.

Security issues that are considered to be foreign in origin, on which states estimate that coordinated responses can revolve around national security agencies instead of intergovernmental agencies, and which states admit that they cannot address independently, evoke low-level SCs. These are insignificant fears of potentially eroding states' sovereign authority in an attempt to address the given security issues. Low-level SCs engender normal bargains—negotiations and consensus-building—that result in cooperation on these issues (Chapter 5). Security issues that states consider to be domestic in origin and to target particular states; on which states estimate

interstate coordination to be difficult, and to, instead, require regional authority structures that may superintend state agencies; and which states believe they should handle independently as sovereign entities, evoke high-level SCs. These are states' considerable fears of losing autonomous decision-making and action²⁵, authoritative control over their security domains, and legitimate monopoly of violence in trying to handle the given security issues. High-level SCs engender non-bargains which lead to non-cooperation on such issues (Chapter 6). This variation on SCs that engenders varying sovereignty bargains and variation in cooperation outcomes can be further elaborated by expanding the argument (Fig. 1) thus:

Table 1: Tabulation of Main Argument

Sovereignty Concerns (IV)	Sovereignty Bargains (Mechanism)	Security Cooperation (DV)
Low-Level	Normal Bargaining: Negotiations	Negotiated Consensus: Cooperation
High-Level	Non-bargains: opposition, silence	Non-Decisions: Non-Cooperation

Table 1 indicates variations on the IV that lead to variations on the DV. This stresses the causal association between SCs and security cooperation. Low-level SCs engender normal sovereignty bargains which lead to negotiated consensus to cooperate on the given security issues. To say that Low-level SCs engender normal bargains is to argue that *when states have least fears of eroding their sovereign authority in trying to jointly address a given security issue, they have incentives to negotiate with one another on how to cooperate on that issue*. Once states estimate that cooperating on a certain issue does not erode their stateness, they have incentives to engage one another on how to develop interdependent relations for addressing the issue. This addresses Thomson's concern that "liberal interdependence writers are not clear about the relationship between

²⁵ Stein; Litfin, 'Sovereignty in World Ecopolitics'

[state] sovereignty and interdependence.”²⁶ Once states are least worried about potential erosion of their ultimate political authority in trying to cooperate on a given security issue they have incentives to bargain with one another on how this interdependence should be conducted/realised. Consequently, sovereignty bargains—being interstate processes of decision-making and consensus-building—lead to consensual cooperation on the given security issues. These bargaining processes are empirically demonstrable (Chapter 5).

Contrarily, observe the relationship between high-level SCs, non-bargains, and security non-cooperation (Table 1). To say that high-level SCs engender non-bargains that lead to non-cooperation is to imply that *once states fear that cooperation on a given security issue may erode their autonomous decision-making and action in the security realm, authoritative control over their internal politico-security domains, and legitimate monopoly of violence*²⁷, they have incentives to avoid regional commitments to collectively address that security issue through non-bargains. For example, Litfin argues that transboundary pollution is more likely to be resolved under traditional norms of sovereignty than internal natural resource degradation. This reflects variations in states’ fears of costs, to their sovereignty, of cooperating on internal or transnational environmental issues: the former evoke less fears of eroding states’ sovereign authority than the latter which evoke non-intervention norms.²⁸

These fears (herein SCs) are rooted in the principle and practices of state sovereignty. Given these fears, concerned states avoid “mutually undesirable outcomes” from joint decisions and action²⁹: in other word, the erosion of their ultimate political authority. In security affairs, states use non-bargains to avoid cooperation on the given security issues. Even though they appear to be a non-event, non-bargains are actually empirically demonstrable (Chapter 6). Hence the argument: different levels of SCs engender different sovereignty bargains,

26 Janice E Thomson, 1995. ‘State Sovereignty in International Relations: Bridging the Gap between Theory and Empirical Research.’ *International Studies Quarterly*, 39 (2):213-233 (p. 216)

27 Stein; Litfin, , ‘Sovereignty in World Ecopolitics’; Thomson

28 Litfin, , ‘Sovereignty in World Ecopolitics’, p. 180

29 Stein, p. 301-302

which lead to cooperation on some and non-cooperation on other security issues. By empirically demonstrating this association in East Africa's security realm, I address the puzzle of regional security cooperation in the EAC.

By looking at the findings and analysis of concurrent cooperation and non-cooperation in EAC, researchers are likely to learn that: (i) state sovereignty is the basis of international cooperation. It has considerable independent influence on cooperation outcomes, and should be theorised and tuned into an analytic category not as natural. This has wider implications for understanding international cooperation beyond both the EAC and the security realm. (ii) Analytically, sovereignty bargains differ from bargains on collective action problems. However, some cooperation problems—namely monitoring and enforcing state compliance, founding institutional-organisational frameworks for sanctioning recalcitrance, and estimating sanctions for noncompliance—are themselves rooted in sovereignty which positions states above all other socio-political organisations. This should make it clear why states face endless challenges of creating organisations that are autonomous enough to enforce compliance but weak enough to respect states' meta-political authority. The higher the levels of SCs an issue evokes the higher the likelihood that the bargains are rooted more in sovereignty-related fears than in collective-action problems. This has applicability beyond Africa as Litfin and Stein argue. (iii) Contrary to approaches that simply dichotomise cooperation outcomes along security and non-security issue-areas³⁰ instead of focusing on states themselves—studies which rarely theorise sovereignty as Thomson recommends—state sovereignty itself should be theorised and analysed, and its independent influence on cooperation outcomes examined.

The taxonomy of SCs developed in Chapter 3 and further clarified in Chapter 4 makes it clear that scholars tend to look at the nature of the issue (as internal or external, political or criminal, shared/collective or individual) from the foundational lens of state sovereignty. They use states' definitional yardsticks, but hardly acknowledge that these yardsticks actually influence scholarly conception of these issues. This study lays the groundwork for

30 E.g. Robert Jervis, 1982. 'Security Regimes'. *International Organization*, 36 (2):357-378; Charles Lipson, 1984. 'International Cooperation in Economic and Security Affairs.' *World Politics*, 37 (1):1-23

considering issues' categorisation not as independent but as dependent on their relationship with states and from state-constructed frameworks of understanding. This may apply across time and space as long as the researcher considers the state as a major actor in international politics.

Finally, states facing internal security threats are likely to resist external interferences in their domestic affairs, to strive for self-sufficiency, to invoke the UN principle of non-intervention. This may be observed in other regions where states respect their sovereignty as Acharya reveals on Southeast Asia. I agree with analyses that reveal states' resistance to external interference in states' governance domains on sovereignty grounds. But I disagree with those that reduce such resistance to elites' interests, nature of the state, and similar views. Instead, for example, just as EAC states question the EACJ and the ICC's interference in their internal affairs (Ch. 6) so do other states. For instance, the USA distances itself from the ICC on grounds of sovereignty. This disallows the Court from adjudicating against US citizens involved in international security operations and related affairs.³¹ Instead, the US pushes for "broad exceptions to the prohibition on the use of force"; uses its position in the UN Security Council to prohibit other states from using force³²; and maintains the view that "there remain strong reasons to welcome the division of the world into separate nations and to endorse the principal safeguard of this division—the sovereignty of independent states."³³ We also observe this in the EAC.

Saying that the USA (just as other non-signatories to the Rome/ICC Statute like Singapore) is protective of its sovereignty in its relationship with the ICC, as do EAC states, raises the question: the novelty of this argument. What is novel and puzzling about African states is that even when their sovereignty is shakier, as evidenced by significant limitations in monopolising violence, they hold onto it. Though they have limited control over their

31 John R Bolton, 2000a. 'Is there Really Law in International Affairs?'. *Transnational Law and Contemporary Problems*, 10: 1-48; 2000b. 'Should We take Global governance Seriously?', *Chicago Journal of International Law*, 1 (2):206-221; 2001. 'The Risks and the Weaknesses of the International Criminal court from America's Perspective.' *Virginia Journal of International Law*, 41:186-203

32 Michael Byers and Georg Nolte, 2003. *United States Hegemony and the Foundations of International Law*. Cambridge: Cambridge University Press, pp. 148-9

33 Jeremy A. Rabkin, 2005. *Law Without Nations? Why Constitutional Government Requires Sovereign States*. Princeton NJ and Oxfordshire: Princeton University Press

respective domains, they dislike external solutions to their problems. Thus, inability may not always lead to quiescence. It is not synonymous with, nor does it necessarily lead to, resignation from the state's sovereignty. This underscores sovereignty's value in understanding international cooperation outcomes across space while also revealing the puzzling resilience of state sovereignty in areas where its operational dimension remains shaky. It is proper to aver that EAC states' resistance to regional-institutional developments that may threaten their meta-political authority is observable in other regions. A study that reveals this by stressing the independent influence of state sovereignty surely enriches general understandings on the relationship between states and organised international institutions. While revealing that states have common interest in preserving their power it goes beyond Thomson by empirically demonstrating the cooperation outcomes of this interest. This study speaks to analyses that stress the salience of sovereignty bargains in which states engage in the difficult balance between their meta-political authority on the one hand and enjoying cooperation benefits in an interdependent world on the other hand. Hence, interdependence need not be construed as adversative to state sovereignty.

Situating the Puzzle

I situate this puzzle in the cooperation literature generally, and the sovereignty bargaining thesis specifically. I also engage in conversation with African scholars and with studies of Regionalism and International Security generally. I agree with analyses that address states' concerns about autonomous control over their respective domains whenever states face cooperation problems. States engage in sovereignty bargains to address the tension between cooperation and state sovereignty.³⁴ I trace sovereignty bargains from sovereignty itself in line with analyses that call for empirical research on sovereignty's influence on states' behaviour.³⁵ I borrow the view that sovereignty should be theorised, that its causal influence on cooperation should be determined, from Janice Thomson. She calls for research on state sovereignty to determine its influence on states' behaviour, advocating

34 Litfin, 'Sovereignty in World Ecopolitics

35 Thomson, p. 218-219

an “empirically useful conception of sovereignty.”³⁶ Wendt indicates that the institution of sovereignty in rationalist theorising has “causal or regulative effects on states.”³⁷

Thomson, like Litfin, advocates theoretical and imperial enquiry on the principle and practices of sovereignty. States are first-of-all sovereign entities before engaging in international fora where cooperation decisions are made.³⁸ A fulcrum around which statehood revolves, sovereignty is not neutral to, but informs, states’ cooperation decisions.³⁹ It is the basis of states’ fears—SCs—that are causally associated with security cooperation outcomes. By making sovereignty an analytical category, this study enters a theoretical and empirical conversation with studies on sovereignty and on international security cooperation.

Thomson argues that sovereignty grants states ultimate political authority called “meta-political authority”. This is a form of high-level political authority that allows states to determine what belongs to their realm, that of monopoly of coercion, or to other actors’ realms. Herein meta-political authority is a combination of decisional autonomy, authoritative control over states’ politico-security domains, and legitimate monopoly of violence. She argues that the bottom line of enquiry on authoritative control—rule making and rule enforcement—is to interrogate how interdependence “is affecting states’ recognised claim to monopolise the coercive and policing function upon which their meta-political authority rests.”⁴⁰ States also cooperate to preserve their *monopoly on meta-political authority*.⁴¹ Thus, inherent in interstate cooperation is an element of sovereign co-preservation. Herein fits Litfin’s sovereignty bargaining thesis: states engage in sovereignty bargains to preserve their meta-political authority. My view supplements Litfin’s argument that cooperation requires different sovereignty trade-offs, and Stein’s notion of trade-offs between states’ decisional autonomy and independent action on one hand and

36 Thomson, p. 219; 219-230

37 Alexander Wendt, 1999. *Social Theory of International Politics*. New York: Cambridge University Press, p. 287

38 Litfin, , ‘Sovereignty in World Ecopolitics’

39 Ibid; Thomson; Stein

40 Thomson, p. 230

41 Thomson, pp. 219-226

regime-based interdependence on coordination and collaboration problems on another. The variation between bargains that result in cooperation and those that stymie cooperation can be discerned from a taxonomy of SCs. I trace different sovereignty bargains from SCs and show how they lead to different cooperation outcomes.

I stress states' interpretations of different security issues. Various transnational security issues evoke low-level SCs for they are interpreted as foreign in origin and not linked to particular states. They are amenable to coordination of national efforts and do not require strong regional structures to handle them. States do not claim capability to handle security issues that are foreign in origin. So, they have incentives to bargain on how to coordinate their responses to these threats. I call these "coordination-problem" security issues after Stein's notion of "coordination." Contrarily, rebellions evoke high-level SCs for they are seen as "sensitive domestic issues of a political nature"⁴² and linked to origin states. States believe handling them jointly may require interference in states' domestic affairs and/or establishing regional authority structures that superintend states' security agencies, both of which present an unacceptable threat to sovereign statehood. States also believe that sovereign entities should handle rebel conflicts without regional/foreign assistance. I call these "critical-sovereignty" security issues. The different intensities of SCs these different security issues evoke, therefore, engender different sovereignty bargains that lead to different cooperation outcomes.

Building upon the foregoing, I develop a taxonomical conception of SCs that beget sovereignty bargains. This is useful for consistently identifying variations on the independent and dependent variables as well as on units of analysis. It also helps to make sovereignty an analytical category and its causal influence measurable albeit qualitatively. By presenting SCs as analytically prior to cooperation, the approach settles the question of where sovereignty bargains arise from.⁴³ This approach allows us to explain variation in reasons behind states' choices between cooperation and non-cooperation. It makes sovereignty an analytic category. It fuses rational choice

⁴² Doc. EAC/SC/12/2008, Dir. 5 and 7, p. 4.

⁴³ Cf Litfin, , 'Sovereignty in World Ecopolitics'; Matli.

analyses with understandings on the changing nature of sovereignty, while supplementing cooperation theory with a key analytic tool: the basis of cost-benefit analysis in states' cooperation behaviour.

Clearly, then, this study enriches our theoretical understanding of why states engage in sovereignty bargains, and *how* sovereignty bargains lead to interstate cooperation/non-cooperation. Despite scholars' appreciation of the tension between state sovereignty and international cooperation⁴⁴, variations in ease/difficulty of cooperation on security/non-security affairs in International Relations (IR)⁴⁵, and calls for theoretical engagement with the principle and practices of state sovereignty⁴⁶, scholarship will nonetheless benefit more from an empirical demonstration of sovereignty bargaining processes that lead to cooperation/non-cooperation. From the view that "sovereignty... enables states to coordinate their actions on mutually beneficial outcomes"⁴⁷, and that "states can and do cooperate" to preserve their monopoly on meta-political authority⁴⁸, evidence linking sovereignty bargains and security cooperation outcomes in the EAC fills the gaps identified above in the cooperation literature. It gives us a better grasp of regional security cooperation in Africa than other analyses.

This study focuses on processes by which states make security cooperation decisions and choices at regional level. Central to decisions on whether or not to cooperate on given security issues is the tension between states' desire to preserve their meta-political authority and the need for joint responses to prevailing insecurity. The outcome is shaped by the sovereignty bargains in which states engage. This is not a question of simple interstate diplomacy. Rather, it is a choice between accepting or forgoing cooperation on *the* security issue depending on states' projections regarding the implications of cooperation for their meta-political authority. "Sovereignty imbues states with the meta-political authority to decide which issues, activities, and practices fall within their

44 Stein; Litfin, , 'Sovereignty in World Ecopolitics'

45 Jervis, 'Security Regimes'; Lipson, 'International Cooperation in Economic and Security Affairs'.

46 Thomson

47 Wendt, p. 287

48 Thomson, p. 226

authority realm—the political—and which lie in the province of nonstate authority”, such as ROs authority.⁴⁹ To “decide” in this respect is to engage in sovereignty bargains. Therefore, on issues that evoke low-level SCs states engage in normal bargains that lead to cooperation; on critical-sovereignty security issues they have incentives to use non-bargaining strategies against pro-cooperation demands, hence non-cooperation.

In summary:

- The principle of sovereignty establishes states as the main actors in regionalism. These actors engage one another in cooperative bargains from a sovereignty standpoint—as sovereign entities.
- States are not only rational in their choices and actions, but are self-conscious sovereign entities: they would like to cooperate without significantly compromising their meta-political authority.
- Security issues are defined and designated/categorised by states, and ought to be understood within the definitional realm of the state. The “nature of a security issue” is not discernible without the state’s definitional realm. Security issues have not an independent existence without states in a state-centric era. Thus, security issues constitute not a Hobbesian Problem—how human beings with diverse and competing interests can join into a political community that “facilitates cooperative behaviour and constrains the war of all against all”⁵⁰—but are *post-Leviathan challenges to states’* claim of legitimate monopoly of violence both within their territorial domains and between themselves.
- Just as states face different kinds of issues to cooperate on, different security issues relate differently with states’ self-awareness as sovereign entities and claimants to legitimate monopoly of violence.
- Different security issues evoke different levels of SCs when judged from whether or not they originate from within the state and target particular states; the possible necessity of intergovernmental agencies to resolve them; and states’ conviction that the given issues should be resolved independently. Both the

⁴⁹ Thomson, p. 225

⁵⁰ Kault Taylor Gaubatz, 2010. ‘The Hobbesian Problem and the Microfoundations of International Relations Theory.’ *Security Studies*, 11 (2): 164-186

domestic vs. foreign interpretation of a security issue's origin and states' preferences for independent solutions are rooted in states' self-awareness as sovereign entities. The *regional agencies* parameter raises one issue: how states judge that cooperating on a given security issue requires such agencies. I address these issues in Chapter 4. From these parameters, which are rooted in states' constitution as sovereign entities, some security issues evoke low-level; others high-level SCs.

- Low-level SCs engender normal bargains—which include formal interstate negotiations, multi-level consultative meetings, state-sanctioned expert analyses/opinions—which lead to negotiated consensus on how to jointly handle the given security issues.
- High-level SCs engender non-bargains—purposeful silence about the given security issue during agenda setting, and opposition to voices demanding cooperation on that issue—hence non-cooperation.
- Other transnational security issues evoked low-level SCs which produced normal bargains that lead to consensual cooperation on them. I empirically demonstrate this in Chapter 5 with evidence on the EAC's counterterrorism and anti-SALWs efforts.
- Transnational armed rebellions evoked high-level SCs, which engendered non-bargains that stymied cooperation on the issue. I demonstrate these non-bargains in Chapter 6.

Why the Puzzle is Important

This puzzle is important for scholarly understanding of, and practical engagement with, regionalism and security cooperation in Africa and beyond. We need to explain the observed simultaneity of security cooperation and non-cooperation in the same RO because it defies empirical, contextual, and theoretical expectations. It defies the view that states facing common security challenges “invest in building regional security arrangements.”⁵¹ It eludes analyses of Africa's security cooperation measures following the APSA's enactment as ROs “are

51 Press-Barnathan, p. 281

responsible” for its implementation “at regional level.”⁵² Where cooperation on other issues corresponds with these expectations non-cooperation on rebellions contradicts them. This is important for several reasons.

First, there is need for cooperation theory to move beyond preoccupation with collective action problems, a fixation which almost clouds other independent variables. According to this standard claim, international cooperation entails provision of non-excludable public goods, such as security, seabed pollution, environmental protection, and other “global commons”, which actors have no commitment to provide and would like to free ride.⁵³ Without a hegemon to compel cooperation, enforce compliance with cooperation promises, or even shoulder the burden of initially founding cooperative institutions and regimes⁵⁴, states are not willing to commit to cooperation. This begets the Hardinian “tragedy of the commons” that yields sub-optimal outcomes of independent decisions and actions.⁵⁵ Even if they were to commit to cooperation, states engage in strenuous bargains because enforcing agreements is difficult under conditions of anarchy.⁵⁶ From this viewpoint, because of collective action problems rational actors have no incentives to cooperate on rebellions, even when such cooperation might benefit them by reducing the transnational security costs of these conflicts. Stein’s attempt to provide a solution to coordination and collaboration problems was a positive step in proving the possibility of cooperation for mutual gain.⁵⁷ Why and how do states overcome collective action problems on some issues?

What remains problematic with standard claims about collective action problems is the tendency of scholars to assume that free riding should be expected in all issues with little attention to the micro-foundation of states’ fears, namely sovereignty. Simultaneously, the extant cooperation that has followed bargains between these

52 Touray, p. 636; African Union, 2010. *African Peace And Security Architecture: Assessment Study*. Addis Ababa: AU; Vines; Franke

53 Hugh Ward, 1993. ‘Game Theory and the Politics of the Global Commons.’ *The Journal of Conflict Resolution*, 37 (2):203-235; Lars Udén, 1993. ‘Twenty-Five Years with “The Logic of Collective Action”’. *Acta Sociologica*, 36 (3):239-261

54 Robert O Keohane, 1984. *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton: Princeton University Press

55 Garrett Hardin, 1968. ‘The Tragedy of the Commons’. *Science*, New Series, 162 (3859):1243-1248; Brian Obach, 2003. ‘Barriers to Collective Action: A Classroom Simulation.’ *Teaching Sociology*, 31 (3):312-318

56 James D Fearon, 1998. ‘Bargaining, Enforcement and International Cooperation.’ *International Organization*, 52 (2):269-305

57 Stein, ‘Coordination and Collaboration’

sovereign entities seems to elude collective-action analyses for while states theoretically estimate each other's behaviours and the likelihood of noncompliance they still continue to successfully engage in bargains that lead to cooperative outcomes. By explaining cooperation and non-cooperation within the same framework, this study provides explanatory frameworks that supplement collective-action analyses without limiting our understanding of cooperation and non-cooperation to solving collective action problems.

Second, we look at issue-specific importance: considering rebellions' transnational nature and regional security implications would incentivise ROs of which affected states are members to address this insecurity. Like other civil wars elsewhere, Africa's rebellions are increasingly transnational.⁵⁸ Some create safe havens, operational bases, training grounds in, and recruit personnel and exploit natural resources from, neighbouring countries.⁵⁹ Others are rooted in transnational ethnic conflicts. This creates complex links between neighbours: Rwanda-DRC, Uganda-Sudan, Kenya-Somalia security challenges are well known. Others result from, and are fuelled by, refugee problems caused by civil conflicts. These issues create security tensions between neighbours as some rebellions transform into transnational conflicts and proxy wars.⁶⁰ Transnational rebellions complicate security in geopolitically contiguous regions, for they facilitate SALWs' proliferation, acting as markets and channels for these arms. Some shift from warlordism to international terrorism by networking with terrorist groups, or using terrorist tactics like targeting non-combatants and indiscriminate violence.⁶¹ Both the transnational nature and security implications make the puzzle of non-cooperation on rebel conflicts important and worthy of intellectual curiosity and scholarly explanation.

58 Kristian Skrede Gleditsch, 2007. 'Transnational Dimensions of Civil War.' *Journal of Peace Research*, 44 (3):293-309

59 Idean Salehyan, 2007. 'Transnational Rebels: Neighboring States as Sanctuary for Rebel Groups.' *World Politics*, 52 (2):217-242

60 Idean Salehyan and Christian Skrede Gleditsch, 2006. 'Refugees and the Spread of Civil War.' *International Organization*, 60 (2):335-366; Gerard Prunier, 2004. 'Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo (1986-99).' *African Affairs*, 103 (412):359-383.

61 Michael G. Findley and Joseph K. Young, 2012. 'Terrorism and Civil War: A Spatial and Temporal Approach to a Conceptual Problem.' *Perspectives on Politics*, 10 (2):285-305; Morten Boas and Kevin Dunn, 2014. 'Understanding African Guerrillas: From Liberation Struggles to Warlordism and International Terrorism', in Hentz, *Routledge Handbook of African Security*, pp. 85-95

Third, unilateral responses to rebel conflicts in Africa are inadequate for transnational rebellions tend to spill over to neighbouring countries.⁶² Within East Africa, rebel insecurity both from within and from neighbouring Somalia, DRC, and Sudan, retards the socio-economic transformation of the region yet the EAC stresses cooperation for development. Resolving rebel conflicts would improve security, providing a secure environment wherein politico-economic cooperation for development thrives. Moreover, AU conventions give ROs in Africa continental legitimacy and mandate by sanctioning ROs' "non-indifference" to insecurity affecting AU member-states.⁶³ Non-cooperation on transnational rebellions negates other security-cooperation efforts since rebellions are intricately linked to other security issues through small arms, illicit economies, states' weak controls, and transnational networks.⁶⁴ Explaining this puzzle will help us grasp the causal forces that influence security cooperation in developing-world ROs whose member-states unilateral solutions have consistently failed or remain inadequate.

Fourth, the observed phenomenon seems to defy cooperation theory's expectations. Cooperation theorists labour to explain when and why security cooperation occurs.⁶⁵ They indicate that states cooperate on the *salient security issues* affecting them. Hence European states and the United States formed North Atlantic Treaty Organisation (NATO) because they faced conventional threats. Asian states opposed an "Asian NATO" for Asia's post-colonial context made states more protective of their sovereignty.⁶⁶ Rebellions' prevalence in Africa, their transnational dimensions, destabilising effects, and sometimes transformation into regional and continental security threats⁶⁷, make it contextually judicious to cooperate on them. Thus, non-cooperation defies liberal

62 Timothy M Shaw, 2003. 'Regional Dimensions of Conflict and Peace-building in Contemporary Africa. *Journal of International Development*, 15 (4):487-498

63 Williams

64 Findley and Young; Anthony Vinci, 2009. *Armed Groups and the Balance of Power: The International Relations of Terrorists, Warlords and Insurgents*. New York: Routledge

65 Amitav Acharya, 2009. *Whose Ideas Matter? Agency and Power in Asian Regionalism*. Ithaca & London: Cornell University Press; Etel E. Solingen, 1998. *Regional Orders at Century's Dawn: Global and Domestic Influences on Grand Strategy*. Princeton NJ: Princeton University Press; Christopher Hemmer and Peter J Katzenstein, 2002. 'Why is there no NATO in Asia? Collective Identity, Regionalism, and the Origins of Multilateralism.' *International Organization* 56 (3):575-607; Edward D Mansfield and Etel Solingen, 2010. 'Regionalism'. *Annual Review of Political Science*, 13 (1):145-163

66 Hemmer and Katzenstein; Acharya.

67 Filip Reyntjens, 2009. *The Great African War: Congo and Regional Geopolitics, 1996-2006*. Cambridge and elsewhere: Cambridge University Press, Chapters 2-4

rationalists' view that cooperation is both desirable and possible in our interdependent world⁶⁸, and that when states' expectations converge on mutually-desired outcomes, such as improved security, states create rules of the cooperation game—regimes and institutions—that facilitate cooperation and thus overcome collective action problems.⁶⁹ Explaining why EAC partner states' security interests may converge on some and not on other security issues would enrich liberal understandings of security cooperation in Africa and beyond.

The most salient aspect of this puzzle is limited research on the EAC. Studies of regionalism in Africa abound.⁷⁰ But the EAC is one of the most understudied ROs. Many of the recent analyses of the RO hardly address security cooperation.⁷¹ None of the few studies that address security contrasts cooperation with non-cooperation.⁷² The EAC, since its revival in the early 1990s, has yet to enter the radar of scholarly analysis either as a case in and of itself or in comparison with other developing world ROs that continue to attract scholarly attention. While unable to explain scholarly inattention to the EAC, I find it both puzzling and calling for my own contribution. Ironically, the EAC has a longer experience of institutionalised cooperation than does, for instance, Southern Africa Development Community (SADC) or the Association of Southeast Asian Nations (ASEAN).⁷³ Yet,

68 Robert O Keohane and Joseph Nye, Jr., 2011. *Power and Interdependence*, 4th Ed. Princeton: Princeton Univ. Press; Stein

69 Stein; Robert O. Keohane, 1982. 'The Demand for International Regimes.' *International Organization*, 36 (2):325-355

70 E.g. Clement E Adibe, 2003. 'Do Regional Organisations Matter? Comparing the Conflict Management Mechanisms in West Africa and the Great Lakes Region', in Boulden, pp. 79-108. Rodrigo Tavares and Vanessa Tang, 2010. 'Regional Economic Integration in Africa: Impediments to Progress?' *South African Journal of International Affairs*, 18 (2):217-233.

71 Some recent studies: Paul Drummond and Gustavo Ramirez, 2009. *Spillover Effects and the East African Community: Explaining the Slowdown and Recovery*. Washington DC: IMF (<http://www.imf.org/external/pubs/ft/dp/2009/afr0902.pdf>, 21 Jan. 2012); Wilfred Katabaazi, 2010. *The EU-East African Community Economic Partnership Agreement*. Saarbrücken: Lambert Academic Publishing; Dani Wadada Nabudere, 2009. 'Pan-Africanism and the Challenge of East African Integration: Discussion of Professor Issa Shivji's Presentation'. Presentation to the 10th EAC Anniversary Symposium, Arusha, 13-14th Nov. (online: http://www.pambazuka.org/images/articles/501/PAN-AFRICANISM_nabudere.pdf, 29 Jan 2012); Edward Ssebunya-Kasule, 2009. *Regionalism in Africa: A Case Study of the East African Community*. Saarbrücken: VDM Verlag; Veit Bachmann & James D. Sidaway, 2010. 'African Regional Integration and European Involvement: External Agents in the East African Community.' *South African Geographical Journal*, 92 (1):1-6; Rok Ajuli, ed., 2005. *The Making of a Region: The Revival of the East African Community*. Midrand: Institute for Global Dialogue; Hamid R. Davoodi, 2012. 'The East African Community After Ten Years: Deepening Integration. IMF (online: <http://www.imf.org/external/np/afr/2012/121712.pdf>, 6 Nov. 2013); Sangeeta Khorana, Kato Kimbugwe & Nicholas Perdakis, 2009. 'Assessing the Welfare Effects of the East African Community Customs Union's Transition Arrangements on Uganda.' *Journal of Economic Integration*, 24 (4):685-708

72 Okumu; Chikwanha; Finlay, Bergenas and Tessler; Katja L. Jacobsen and Johannes R. Nordby. 2013. *Danish Interests in Regional Security Institutions in East Africa*. DIIS Report 2013:14. Copenhagen: Danish Institute for International Studies (from http://subweb.diis.dk/graphics/Publications/Reports2013/RP2013-14-Danish-interests-East-Africa_web.jpg.pdf, 5 June 2014)

73 John Ravenhill, 1979. 'Regional Integration and Development in Africa: Lessons from the East African Community.' *Journal of Commonwealth & Comparative Politics*, 17 (3):227-246 (p. 227)

students of regionalism would agree that these ROs have attracted more scholarly analysis than the EAC perhaps due to its 1977 dissolution⁷⁴ and scholars' preoccupation elsewhere.⁷⁵

By the 1970s, the EAC was one of the most institutionally robust and organisationally coherent ROs in the world.⁷⁶ Its partner states had "plenty of their sovereign rights turned over to the Community" through high-level institutionalisation⁷⁷, a feature uncommon in any of today's developing-world ROs. This difference in levels of integration at different junctures had different impacts on the nature and extent of cooperation in different ROs even as non-cooperation on transnational rebellions may be observed in other regions. There may be different levels of interest in regional security institutions across different regions and periods⁷⁸ and the EAC has its own history of institutional development. Scholars like Joseph Nye and Claude Welch contextualised its post-1963 institutional and organisational evolution in Pan-African ideals⁷⁹ even when the EAC is rooted in much-earlier regional integration efforts in East Africa.⁸⁰ Its history, level of cooperation, and driving motives, therefore, differ from SADC's and ASEAN's. The EAC is therefore unique in its own right as well as a useful analytic case. Thus, cooperation and non-cooperation in the EAC becomes more intriguing when compared to ASEAN's soft institutionalism or SADC's historical-political context of apartheid South Africa. Earlier studies sought to explain

74 Christian P. Pothom, 1979. 'Who Killed Cock Robin? Perceptions Concerning the Breakup of the East African Community.' *World Affairs*, 142 (1):45-56

75 Simply scanning academic journals, publishing houses, IO/RO databases, and bookstores settles any reader's feeling that this claim is exaggerated. Example, see: *South African Journal of International Affairs*, 18(2)

76 Joseph S. Nye, Jr., 1966. *Pan-Africanism and East African Integration*. Cambridge, Mass: Harvard University Press; Kabukuru Wanjohi, 2011. 'An East Africa shilling by next year?.' *African Business*, 376: 64-65; Dharam Ghai, 1983. 'The Association Agreement between the European Economic Community and the Partner States of the East African Community.' *Journal of Common Market Studies*, 12 (1):78-103 (p. 81)

77 Victor Umbricht, 1987. *World Bank Interview: Historical Archives* (accessed 31 Jan 2013, http://siteresources.worldbank.org/EXTARCHIVES/Resources/Victor_Umbricht_Oral_History_Transcript_44_02.pdf); Umbricht, 1989, *Multilateral Mediation: Practical Experiences and Lessons*, Dordrecht/Boston/London: Martinus Nijhoff Publishers

78 Acharya, *Whose Ideas Matter?*; Amitav Acharya and Alastair Johnston, eds., 2007, *Crafting Cooperation: Regional International Institutions in Comparative Perspective*, New York: Cambridge University Press, pp. 8-10

79 Joseph S. Nye, Jr., 1963. 'East African Economic Integration.' *The Journal of Modern African Studies*, 1 (4):475-502; Nye, *Pan-Africanism and East African Integration*; Claude E. Welch, Jr., 1966. *Dream of Unity: Pan-Africanism and Political Unification in West Africa*. Ithaca, New York: Cornell University Press; Paulo Sebalu, 1972. 'The East African Community.' *Journal of African Law*, 16 (3):345-363

80 Raymond Leslie Buell, 1928. 'The Destiny of East Africa.' *Foreign Affairs*, 6 (3):408-26

the EAC's 1977 dissolution.⁸¹ Not long after the dissolution, studies waned. Few studies have been made since the EAC's revival in the 1990s. I know of none that addresses this puzzle.⁸²

Finally, this puzzle is important for four Africa-specific reasons. First, EAC partner states appear to avoid their continent's security needs by eschewing cooperation on transnational rebellions. Africa's continental security measures have evolved since Kwame Nkrumah proposed "a common defence system with a single military high command" which never materialised.⁸³ Considering Africa's peaceful interstate system, any preoccupation with conventional/state-state security would be ironic today. While upholding the UN's principle of non-intervention and peaceful interstate relations, Nkrumah's proposal would have failed to address Africa's *real* security challenges. Recently African states adopted a Peace and Security Charter that "contained important conceptual breaks from the past—notably in the form of a doctrine allowing the AU intervention in member states' affairs."⁸⁴ The "conceptual breaks", operationalised in the APSA, aimed to address Africa's *real security threats* though implementation challenges remain. Therefore, the puzzle defies scholarly and policy optimism on security cooperation in Africa.⁸⁵ The APSA may appear as a major shift in governing Africa's security landscape as ROs "are responsible for" its implementation "at regional level."⁸⁶ Likewise, the AU's Peace and Security Council mandates "Regional Brigades" to establish standby military, police, intelligence, and civilian brigades for ready deployment where needed.⁸⁷ This subsidiarity principle presupposes more effective cooperation at regional than

81 Ravenhill; Agrippah T. Mugomba, 1978. 'Regional Organisations and African Underdevelopment: The Collapse of the East African Community.' *The Journal of Modern African Studies*, 16 (2):261-272; Arthur Hazlewood, 1979. 'The End of the East African Community: What are the Lessons for Regional Integration Schemes?.' *Journal of Common Market Studies*, XVIII (1):40-58

82 Okumu does not contrast cooperation on terrorism with non-cooperation on other issues.

83 Touray, p. 637

84 Bruce D. Jones, Shepard Forman and Richard Gowan, Eds., 2010. *Cooperating for Peace and Security: Evolving Institutions and Arrangements in the Context of U.S. Security Policy*. Cambridge: Cambridge University Press: 'Introduction', p. 18

85 Franke; Vanessa Kent and Mark Malan, 2003. 'The African Standby Force: Progress and Prospects.' *African Security Review*, 12(3): 29-46; AU, 2002. *Report of the Secretary-General on the Implementation of the CSSDCA*. Durban: AU; A. Sarjoh Bah, 2010. 'The Evolution of Regional and Sub-regional Collective Security Mechanisms in Post-Cold War Africa'. In Jones, Forman, and Gowan, *Cooperating for Peace and Security*, pp. 269-290

86 Touray, p. 636 (fn. 6)

87 These are: Eastern Africa Standby Force (EASF); ECOWAS Standby Force; ECCAS Standby Force; North African Regional Capability (NARC); SADC Standby Force. Regional Brigades, together, constitute the African Standby Force (ASF). African Union

continental levels because of nearness and relevance of actors to the issues they handle. We need to explain non-cooperation on rebellions in the EAC for it seems to contradict the AU's approval of joint/regional security efforts under the APSA as well as the principle of subsidiarity within the AU.

Second, scholars observe a "movement to solidify regional structures" as Africa became disillusioned "with the evolution at the UN and beyond" following incidents like the 1993 U.S. withdrawal from Somalia and the UN's failure to prevent/stop the 1994 genocide in Rwanda. These caused a belief in Africa that Africans "could not trust external actors to manage their security."⁸⁸ While this view echoes regionalist conceptions of international cooperation, one ought to recall that this disillusionment arose in the context of armed conflicts that had transformed into transnational security crises. Example: Rwanda's genocide is rooted in a protracted civil war which transformed into a systemic "Africa's World War" after the 1994 holocaust; Uganda's Lord's Resistance Army (LRA) rebellion is now a continental security concern.⁸⁹ Security cooperation in the EAC is relevant here: Why do states eschew cooperation on security issues over which they claim to have been betrayed by the international community's inattention to insecurity in Africa? Answering these queries is a noble contribution to existing works on African as well as international security cooperation.

Third, joint security measures in an RO espousing security cooperation are unsurprising. What is puzzling, then, is states' unwillingness to cooperate on some prevailing security issues in the same RO. Sarjoh Bah observes that most conflicts in Africa are internal but with wider regional security implications. ROs under the AU were apparently restructured to easily address these conflicts.⁹⁰ The restructuring was informed by the aforesaid paradigm shift in the understanding of security: "the shift from non-interference to non-indifference is perhaps

(AU), 2002. *African Peace And Security Architecture*; 2000. *Constitutive Act of the African Union*; 2002. *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*. Addis Ababa: AU

88 Jones, Shepard, and Gowan, p. 18

89 Gerard Prunier, 2009. *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe*. Oxford MA: Oxford University Press; Vinci

90 These ROs/RECs include: SADC, ECOWAS, ECCAS, AMU, IGAD, and the EAC. See acronyms

the most important change in Africa's international relations in the post-Cold War era."⁹¹ Some analysts believe this reform resulted in all-encompassing security cooperation. Yet, this restructuring remains on paper as "non-indifference" is limited to "grave circumstances": war crimes, genocide, ethnic cleansing, and crimes against humanity. It depends upon affected states' invitation of external actors, signifying states' autonomy in determining the gravity of "grave circumstances" subject to various AU-level conventions. This provision for autonomy allows states to avoid some commitments once they fear cooperation's sovereignty-eroding effects.⁹² Therefore, addressing the puzzle sheds new light on this shift.⁹³

The final import of the puzzle echoes the rationalist security-development nexus: the EAC's development interests would create incentives for states to cooperate on rebellions and create a secure and peaceful region favourable for socioeconomic and political development.⁹⁴ The OAU/AU acknowledged the positive relationship between security and development in 1991.⁹⁵ Understanding the factors that influence security cooperation/non-cooperation requires going beyond admitting that rebellions retard Africa's development.⁹⁶ It requires an approach that explains why states' apparent desire for improved security, as expressed in the EAC specifically and the AU in general, still results in different security-cooperation outcomes on different security issues.

Inadequacy of Existing Explanations

None of the recent works on security cooperation in the EAC explains the present puzzle. They focus on its counterterrorism and anti-SALWs efforts, and the security-development nexus.⁹⁷ There remains limited literature

91 Bah, pp. 269-71

92 Protocol Establishing the AU Peace and Security Council

93 Williams

94 Doc. EAC/SC/12/2008, p. 4; Finlay, Bergen, and Tessler; Treaty

95 African Leadership Forum, 1991. *The Kampala Document: Toward a Conference on Security, Stability, and Development Cooperation in Africa*. Lagos: ALF & Addis Ababa: OAU (accessed 30 July 2013, from <http://www.africaleadership.org/rc/the%20kampala%20document.pdf>; CSSDCA Solemn Declaration: AHG/Decl.4 (XXXVI), <http://www.peaceau.org/uploads/ahg-decl-4-xxxvi-e.pdf>)

96 Jeffrey Herbst, 2000. 'Economic Incentives, Natural Resources and Conflicts in Africa.' *Journal of African Economies*, 9 (3):270-288; Hoefler, p. 1; AfDB

97 Okumu; Aning; Finlay, Bergen, and Tessler; Chikwanha.

on security cooperation in the EAC. So, I identify possible explanations for the puzzle from cooperation literature and studies on Africa. I identify aspects of the “Neo-Neo” debate that might explain the puzzle; consider analyses of bargaining and agenda setting in regionalism; and examine analyses of security cooperation in Africa. I detail this literature review in Chapter 2. Here, I only summarise the inadequacies that motivated this study.

The Neorealism-Neoliberalism debate addresses both cooperation and non-cooperation. For neorealists, cooperation is hard to achieve. Where attempted it depends on state power. It is difficult to maintain owing to relative gains considerations, states’ fear of dependence, and enforcement problems under conditions of anarchy. For neoliberals, cooperation is crucial, inevitable in our interdependent world, and possible when institutional measures for cooperation are put in place.⁹⁸ This rationalist and state-centric debate has two limitations. First, it contrasts cooperation and non-cooperation in broad issue-areas. It does not address specificities within the same issue-area. For instance, Jervis and Lipson analyse difficulties of developing security regimes by distinguishing security from socioeconomic and environmental issue-areas.⁹⁹ They do not disaggregate the security issue-area but compare security and non-security issue-areas. Second, neoliberals hold that states have incentives to cooperate through IO/ROs and to create institutional frameworks for such cooperation to reap absolute gains.¹⁰⁰ However, they hardly explain simultaneous cooperation and non-cooperation on different security issues in the same organisation. *Why* some security issues and not others get put on ROs’ security agendas, *how* states reach these decisions, remain unspecified.

Bargaining theorists explain why states engage in international bargaining and how cooperation problems get put onto common agendas. Bearce, Floros and McKibben hold that the long shadow of the future creates incentives for states to engage in the pre-negotiation phase and subsequently formal bargaining.¹⁰¹ Bargaining

98 David A. Baldwin, ed., 1993. *Neorealism and Neoliberalism: The Contemporary Debate*, Columbia: Columbia University Press

99 Jervis, ‘Security Regimes’; Lipson

100 Solingen; Abbot and Snidal; Stein

101 David H. Bearce, Katherine M. Floros and Heather Elko McKibben, 2009. ‘The Shadow of the Future and International Bargaining: The occurrence of bargaining in a Three-Phase Cooperation Framework.’ *The Journal of Politics*, 71 (2):719-732; Yoram Z Haftel and

helps states to reach common positions and include issues bargained on in cooperation agreements. However, some bargains may become protracted even when the shadow of the future is promising since self-interested states are concerned about the agreement's implementation: "Though a long shadow of the future may make *enforcing* an agreement easier, it can also give states incentives to *bargain harder*, delaying agreement in hopes of getting a better deal."¹⁰² For Fearon, states desire to secure better deals from cooperation: so, the shadow of the future can render cooperation difficult.¹⁰³ Therefore, states' concerns that influence the nature of bargains are unspecified: the basis of states' judgements regarding the shadow of the future remains indeterminate.

Other bargaining theorists accentuate a specific state feature that informs bargaining: state sovereignty. According to Litfin, cooperation affects state sovereignty: it impinges upon states' autonomy and control functions especially during the agreement's implementation. States are aware of, and expect, this challenge. They engage in "sovereignty bargains" to balance the demand for cooperation and preserving their sovereignty. Litfin argues that through sovereignty bargaining, cooperation leads to reconfigurations in the norms and practices of state sovereignty, suffering losses in certain dimensions and gaining in others.¹⁰⁴ Mattli argues that under conditions of economic strain states engage in sovereignty bargains to benefit from cooperation.¹⁰⁵ Both believe that states bargain on specific sovereignty aspects: autonomy, control, and legitimacy. Autonomy may be reduced through joint decision-making; control and legitimacy are enhanced through cooperation.

I agree that sovereignty bargaining is a useful tool for understanding cooperation. But I differ with Litfin and Mattli's causal logic that cooperation leads to sovereignty bargains, which then lead to reconfigurations in the norms and practices of state sovereignty. To argue that cooperation generates sovereignty bargains—which then

Alexander Thomson, 2006. 'The Independence of International Organizations: Concept and Applications.' *The Journal of Conflict Resolution*, 50 (2):253-275

102 Haftel and Thomson, p. 270 (emphasis original)

103 James D Fearon, 1998. 'Bargaining, Enforcement and International Cooperation.' *International Organization*, 52 (2):269-305

104 Litfin. p. 167, 170

105 Mattli.

affect state sovereignty—we focus on the consequences of cooperation on sovereignty, not on the process of obtaining cooperation agreement among sovereigns (agenda-setting). This is a different starting point from mine. Instead, I trace sovereignty bargains from sovereignty itself. Rooted in SCs, sovereignty bargains inform the nature and scope of cooperation. State sovereignty, accordingly, acquires independent influence on security cooperation because it precedes and influences states' cooperation decisions. This is the core of my argument, and my contribution to previous analyses of security cooperation in Africa which neither theorise sovereignty nor explain variations in cooperation on different security issues.

Studies of regionalism and security cooperation in Africa address the AU's security-cooperation frameworks whose institutional structure was decentralised at regional level following changes in conceptions of security over the years.¹⁰⁶ Consequently, through a Peace and Security Charter, the AU accepted ROs' "intervention in member states' affairs".¹⁰⁷ The Charter specifies conditions under which ROs would intervene. Under the APSA, ROs have the mandate to develop necessary measures for improving security in their regions. This "principle of subsidiarity"—namely that levels of governance should address issues they are best suited to handle—started with the globalist-regionalism debate at the UN and trickled down to Africa when the continentalism-regionalism debate led to the adoption of ROs as levels of governance below the OAU/AU.¹⁰⁸ The EAC upholds "the principle of subsidiarity with emphasis on multi-level participation and the involvement of a wide range of stake-holders in the process of integration."¹⁰⁹ Under the AU, ROs like the EAC are levels of governance best suitable to address challenges facing states within the region. But the APSA's implementation through "Regional Brigades" remains problematic partly because of sovereignty concerns.¹¹⁰ It follows that these studies stress apparent

106 Touray, p. 637; Bah; Hentz, pp. 197-229; Constitutive Act of the AU; AU, Protocol on Peace and Security Council

107 Jones and Forman, p. 18

108 Opoku Agyeman, 1975. 'The Osagyefo, the Mwalimu, and Pan-Africanism: A Study in the Growth of a Dynamic Concept.' *Journal of Modern African Studies*, 13 (4):653-675

109 EAC, 1999. Treaty for the Establishment of the East African community. Arusha: EAC (Art. 7(d)). Others include variable geometry; equitable distribution of benefits; people-centered and market-driven; asymmetry and complementarity.

110 International Crisis Group (ICG), 2012. *Implementing the African Peace and Security Architecture (I): Central Africa Crisis Group Africa Report N°181* (7 November 2011). Brussels: ICG, p. ii

convergence of African states' interests in improved security: the desire to avoid collective sub-optimality that results from independent decision making and action in security matters.¹¹¹ Enthused by this cooperation promise, however, the analysts hardly explain why states' security interests converge on some and not other security issues in the EAC. None of the studies on the EAC contrasts security cooperation with non-cooperation. I fill this gap with the SCs->sovereignty bargains-> security cooperation thesis.

Other Possible Explanations

My argument by no means claims that *only* SCs are causally associated with cooperation/non-cooperation. Methodologically, I do not weigh all possible causal variables against SCs or even control for other variables. But I trace and empirically demonstrate the association between variations in SCs, sovereignty bargains, and security cooperation. However, from the above works, other alternate explanations are identifiable: emphasis on the nature of the state and on elites' interests; rebellions as foreign policy tools; constraints to ruling coalitions as former rebel groups; external pressure to cooperate on other transnational security issues; and states' reluctance to commit resources to solve other states' problems.

Studies on African security regionalisms stress the nature of the state in understanding the dynamics of intra-Africa regional security cooperation. Rodrigo Tavares, for instance, stresses the value of national interests in the peacekeeping efforts of the ECOWAS and SADC. While he finds similarities in the independent influence of national interests in states' peacekeeping decisions, the national interests of South Africa and Nigeria were not the same.¹¹² From his viewpoint states would not participate in peacekeeping operations were it not for their selfish interests. This view is shared by Jonathan Fisher in his analysis of Uganda's participation in AMISOM.¹¹³

It is doubtful whether the desire to assuage donors' dislike for governance issues in Kampala applies to all states

111 Stein; Franke; Touray; and Bah

112 Rodrigo Tavares, 2011. 'The Participation of SADC and ECOWAS in Military Operations: The Weight of National Interests in Decision-Making'. *African Studies Review*, 54 (2):145-176

113 Jonathan Fisher, 2012. 'Managing Donor Perceptions: Contextualizing Uganda's 2007 intervention in Somalia'. *African Affairs*, 111 (444):404-423

that are now participating in the Mission, for these too have governance issues and also receive donor funding. If they have different motives from Uganda's, then national interests are not synonymous as Tavares reveals about South Africa and Nigeria. It remains unclear to what extent the "national interests" variable can explain cooperation outcomes even within a region in Africa. Other researchers stress the weaknesses of the African state: They prescribe "sovereignty as responsibility"¹¹⁴ to address security challenges facing states' domestic societies as a result of limited internal sovereignty and states' failure to provide political goods like defence and internal security.¹¹⁵ In a similar argument de Waal blames cooperation inefficiency on patrimonial politics that typifies the African state.¹¹⁶ Whether we consider national or elite interests, state weakness, political corruption, or a combination thereof, concurrent cooperation and non-cooperation still defies the notion of collective responses to Africa's insecurity as stressed in the AU's evolving security regimes.¹¹⁷ Thus, the nature of the state thesis negates identifiable state interests beyond neo-patrimonialism, state weaknesses, state fragility, deluding donors, elite interests and conflicts. These analyses throw the true question of state sovereignty in the dustbin of theoretical and empirical analysis. Addressing this puzzle demands explaining states' responses to security challenges that African states appear to appreciate but exclude from common security agendas.

On rebellions as foreign policy instruments, one may refer to proxy warfare in which states support rebel groups against other states to influence target states. States' support to rebel groups in other states is common in international security.¹¹⁸ The relationship, in the recent past, between Uganda and Sudan; and between Burundi,

¹¹⁴ Deng et al, *Sovereignty as Responsibility*.

¹¹⁵ Jeffrey Herbst, 2000. *States and Power in Africa: Comparative Lessons in Authority and Control*. Princeton: Princeton University Press; James A. Robinson, 2002. 'States and Power in Africa by Jeffrey I. Herbst: A Review Essay'. *Journal of Economic Literature*, XL: 510–519

¹¹⁶ Alex de Waal, 2009. 'Mission without end? Peacekeeping in the African political marketplace.' *International Affairs* 85 (1):99-113
¹¹⁷ Organisation of African Unity (OAU), 1993. Mechanism for Conflict Prevention, Management and Resolution, Cairo. 1999, Convention on the Prevention and Combating of Terrorism. Algiers. 2000, Solemn Declaration on Security, Stability, Development and Cooperation in Africa (CSSDCA), Lome/Addis Ababa: OAU. African Union, 2000. Constitutive Act of the African Union; 2002, Protocol Relating To The Establishment Of The Peace And Security Council Of The African Union. 2004, Protocol to the OAU Convention on the Prevention and Combating of Terrorism. Addis Ababa: AU

¹¹⁸ Idean Salehyan, Kristian Skrede Gleditsch and David E. Cunningham, 2011. 'Explaining External Support for Insurgent Groups.' *International Organization*, 65(04): 709-744; Idean Salehyan, 2010. 'The Delegation of War to Rebel Organizations'. *The Journal of Conflict Resolution*, 54 (3):493-515

Rwanda, and Uganda on one hand and the DRC on the other, exemplifies proxy conflicts.¹¹⁹ According to this logic, if states cooperated on rebellions they would erase their possible future foreign policy tools. However, previous proxies involved EAC partner states against non-EAC states. They also entailed transformation of civil conflicts to interstate conflicts owing to transnational ethnicities, weak state controls, and cross-border rebel sanctuaries. This transnational dimension—rebel sanctuaries in neighbouring states as causes of interstate conflict¹²⁰—explains previously strained relations. Instrumentalisation of rebellions also raises tensions between rebel-group autonomy and sponsoring states' cost-benefits analysis which makes it an unreliable foreign policy tool.¹²¹ States have several foreign policy tools choose from. They are aware that many times rebel groups exploit weak neighbours' territories which draws host states in the conflict. They have experienced this relationship in the past: Conflicts involving Burundi-Rwanda-Uganda against DRC during the 1990s offer good examples.¹²² With improved cooperation among EAC partner states they would have interest in maintaining pacific relations by resolving such conflicts consistent with confidence-building in defence cooperation.¹²³

The hypothesis that some ruling coalitions are former rebel movements resonates with historical experience in Burundi, Rwanda, and Uganda, the anti-colonial Mau Mau rebellion in Kenya, plus the leadership in Zanzibar following the 1964 revolution. From this possible conjecture, "committing to fight armed rebel movements opens up complications in EAC relations given the way current leaders came to power [through rebel movements]."¹²⁴ Therefore, state-leaders are morally constrained to cooperate on rebellions. However, moral rectitude rarely dominates states' dealings with each other: "moral principles alone rarely determine [states'] political behaviour. International legal precepts regularly are [developed and] interpreted with an eye to power."¹²⁵ Besides, these

119 Prunier, 'Rebel Movements and Proxy Warfare'; Prunier, *Africa's World War*; Vinci

120 Idean Salehyan. 2008. 'No Shelter Here: Rebel Sanctuaries and International Conflict'. *The Journal of Politics*, 70 (1):54-66

121 Salehyan, et al.

122 Prunier, *Africa's World War*

123 EAC, 2012, *Protocol on Cooperation in Defence Matters*, Arusha: EAC

124 Bruce Heilman, Informant/Correspondence, 13 September 2012

125 Jack Donnelly, 2012. *Universal Human Rights in Theory and Practice*. Ithaca and London: Cornell University Press, p. 259

coalitions have transformed, embraced such democratic practices as regular elections, and have pursued regional integration programs, cooperating on other security issues. Such a thesis, therefore, would be assuming that ruling coalitions' moral shame is more important than states' ontological interests. It would sidestep the reality that states by nature are contested socio-political domains. Rationally, one might argue that ruling coalitions would consolidate their power by colluding against rebel groups and/or delegitimising armed conflicts in the region so that armed opposition to their power is rendered geopolitically impossible.

On external influence, a critique may argue that security issues like terrorism, SALWs, money laundering, piracy, human/drug trafficking, are global concerns. Apparently, East African states are pressured by the United States and its partners, for instance, to join their global war on terror and efforts against security threats that are not reducible to East Africa.¹²⁶ It may be argued that this foreign pressure explains why EAC partner states cooperate on those issues but have no incentive to cooperate on rebellions. However: (i) if foreign actors seek partners in their anti-terrorism, anti-SALWs, anti-piracy, anti-trafficking/money laundering efforts, they strongly benefit from a peaceful East Africa. Rebellions, for instance, thrive on transnational security issues like SALWs, market-channel these arms, and their prevalence makes international efforts against SALWs ineffectual. (ii) Foreigners are aware that as rebel conflicts weaken state governments they breed grounds for terrorism recruitment and operations as has happened in Somalia and West Africa to the chagrin of western actors.¹²⁷ (iii) African states developed counterterrorism measures years before the US-led war on terror had intensified, indicating Africa's independent response to the problem of terrorism.¹²⁸ Finally and besides, (iv) the UN and AU do not limit ROs on the kinds of security issues they can address. As I show in Chapter 5, the current UN regime on SALWs originated from Africa and extended to the wider international community.

126 Fisher; Alfred Anangwe, 2006. 'International Terrorism and East African sub-regionalism: Developing a Sub-regional Tourism Industry in the Face of War.' *African Journal of International Affairs*, 7 (1&2):81–97

127 Dunn; Findley and Young

128 OAU, 1999. *OAU Convention on the Prevention and Combating of Terrorism*. Algiers: OAU; AU, 2004. *Protocol to the OAU Convention on the Prevention and Combating of Terrorism*. Addis Ababa: AU

Finally, one might argue that the *reluctance* of potential intervening states *to commit their own resources* to solve other states' problems—not mutual possessiveness over sovereignty—prevents EAC states from cooperating on transnational rebellions. This would resonate with Tavares' argument that mainly national interests motivated South Africa and Nigeria to participate in peace operations in their respective regions. Hence, peaceful states like Tanzania may be reluctant, subject to national interests, to commit their resources to resolve say Rwanda's rebel insecurity. This viewpoint would hold if affected states suggested cooperation on rebellions during agenda-setting but unaffected states cited the irrationality of spending their resources on others' insecurity. However, I show in Chapters 4 and 6 that both affected and unaffected states eschew such commitments. No state raised the issue. Both kinds of states dislike such obligations. This signifies collective reluctance to cooperate on rebellions. Even if non-cooperation were rooted in states' reluctance to incur costs of resolving others' conflicts, states likely resist such obligations because they consider rebellions to be domestic issues, to target particular states, and which sovereign entities should address independently. This would support my argument.

These possible alternate explanations would downplay states' concerns about authoritative control over their domestic security realms and independent decisions regarding such control; plus their desire for self-reliance in domestic control that cooperation on rebellions might compromise. States worry about their meta-political authority because sovereign authority—even as it is challenged—places them in unparalleled power relations vis-à-vis other authority claimants. It legitimises states' meta-political authority claims while giving states the mandate to make and implement independent decisions. "Sovereignty imbues states with the meta-political authority to decide which issues, activities, and practices fall within their authority realm—the political—and which lie in the province of non-state authority. The question is whether rules governing the various activities are to be made and enforced by states or left to... nonstate actors", such as ROs. This "deeper level of authority, joined with territoriality... constitutes the basis of state power under sovereignty."¹²⁹ Therefore, compared to

129 Thomson, p. 225

other concerns, whenever states believe cooperation on any given security issue may erode their meta-political authority it changes the strategies of bargaining and parameters of deciding whether or not to cooperate. The bargaining strategies cannot preserve states' meta-political authority minus affecting cooperation outcomes.

Research Design

I illustrate the plausibility of my hypothesis with empirical research from the EAC. I employ rational-choice bargaining theory for theory construction and in-depth qualitative analysis for theory testing. The region is my level of analysis¹³⁰; security issues my unit of analysis. I contrast cooperation on coordination-problem security issues with non-cooperation on transnational rebellions at regional level at which I identify and analyse processes of cooperative decision making. This emphasis on decision-making processes allows the selected cases/security issues to fit the bargaining theory to increase validity, adduce evidence that confirms the theory, thereby indicating inadequacies of other possible explanations for the facts of these cases.¹³¹ Contrasting cooperation on some and non-cooperation on other security issues in one RO may not explain this variation in all ROs although there are few ROs in the world. But available cross-case evidence from other ROs is useful for gauging the reliability of my measures and explanatory value of my theory.¹³² Similarly, demonstrating the causal association between SCs and security cooperation outcomes may not be as methodologically rigorous as a systematic weighing of all possible counterarguments. However, the empirical richness, analytical rigour, and emphasis on causal processes employed here make this study methodologically enriching.

A rational choice approach is justified on three grounds: (a) relating bargaining theory with broader literatures on collective action (coordination and collaboration) problems, regionalisms, and strategic choices regarding security cooperation/non-cooperation; (b) understanding strategic interactions between principals (states), and

130 See "New Regionalism" thesis: Raimo Väyrynen, 2003. 'Regionalism: Old and New', *International Studies Review*, 5 (1):25-51

131 Harry Eckstein, 1975. 'Case Studies and Theory in Political Science', in Fred I. Greenstein & Nelson W. Polsby, Eds. *Handbook of Political Science. Political Science: Scope and Theory* (Vol. 7, pp. 94-137). Reading, MA: Addison-Wesley, p. 118

132 John Gerring, 2007. 'Is There a (Viable) Crucial-Case Method?.' *Comparative Political Studies*, 40 (3):231-253 (pp. 231-2)

agents (the EAC and its organs/institutions) in the EAC; and (c) linking states' cost-benefit analysis and instrumental behaviours with the bargains and cooperation outcomes.

On relating bargaining theory with broad literatures on regionalism and security cooperation, much of bargaining literature stresses actors' rational calculations: what is being traded for what. Litfin, Stein, and Mattli all stress trade-offs between state autonomy and cooperative benefits. For Stein, the trade-off, that is coordination, is worth the cost if states can predict the sub-optimal outcomes of independent decision making and action. But because some problems are coordination while others are collaboration problems, and both entail more costly outcomes of non-cooperation than those of cooperation, the difficulty is on how to found and sustain regimes on these different problems. Hence, coordination regimes are easier, in my easier viewpoint because they require normal, progressive, bargains; while collaboration problems are more difficult, in my approach because they require protracted bargains on costs and monitoring compliance which contends with state sovereignty. Thus, a rational choice approach makes it easier to infuse these bargaining strategies in the analytical framework, hence the fruitful conversation between Stein, Litfin, and Fearon, who employ rational choice bargaining theory, with Thomson, who theorises sovereignty. As I show in Chapters 3-6, states' bargains on different security issues are based on states' cost-benefit considerations, as states seek to produce the desired cooperation outcomes.

On strategic interactions between principals and agents, a rational choice approach helps us to examine why states create the institutional limitations they impose upon regional-international organisations, and how these institutional mandates may change given the activities and operations of organisations. Delegation to ROs creates principal-agent problems that states need to monitor and keep 'in line' with their interests.¹³³ A rational choice approach helps us to follow the strategic motives behind the delegation of different institutional mandates to different RO structures. It also helps us to explain new principals' responses when agents act in unexpected

133 Nielson and Tierney

ways. Consider Nielson and Tierney's finding that "The World Bank exhibited significant independence from its member governments for nearly a decade, then suddenly and repeatedly changed its behaviour in response to increasingly coordinated demands by member governments."¹³⁴ This finding reveals states' misgivings about the Bank's increasing autonomy. Control over the agent that is always a concern in principal-agent relations. This problem is also observable in security affairs.¹³⁵ As Chapter 5 shows, states were hesitant to create a peace and security directorate that might compete with national security agencies. They also set out to enhance their own authority structures' capacity to handle terrorism and SALWs. Chapter 6 reveals that the Ministerial Council helps states to retain tight control over other EAC organs. Therefore, a rational choice approach helps to identify and explain the motives and interests of major actors during and after agenda-setting processes, and how these motives, interests and agenda-setting strategies determine cooperation outcomes.

Finally, the rational choice approach links cost-benefit analyses on the potential consequences of states' cooperation choices for their meta-political authority with bargaining strategies and cooperation outcomes. This helps one to analytically understand the basis of states' choice among different possible bargaining strategies, and to methodologically interrogate this through interviews and relevant documents. The approach helped in drawing from states' expressed fears—herein SCs—to bargains, and then to cooperation outcomes. An approach which measures consistency in actors, their motives, their response mechanisms, and observed outcomes, is fully in line with the micro-foundational ethos of political science. According to Philippe Schmitter, states are power-laden entities with clear motives, such as the-herein-theorised preservation of their meta-political authority, and act through competition, and cooperation, agreeing on formal and informal rules that regulate their use of power. States also cooperate "in order to ally with each other, both to modify the pre-existing rules of engagement and to affect present policy outcomes."¹³⁶ It follows that an approach which traces the actors'

134 Nielson and Tierney, p. 242

135 Salehyan, Idean. 2010. 'The Delegation of War to Rebel Organizations'.

136 Philippe Schmitter, 2010. 'Microfoundations of the Science(s) of Politics', *Scandinavian Political Studies*, 33 (3):316-330 (p. 323)

motives and interests, and links them with their behaviours and engagement strategies, then to observable outcomes is a powerful way of testing relationships between variables. This measures properly, albeit qualitative, for variations in these actor-process-outcomes relationships. In line with standard collective action problems the main issue is resolved: how states overcome collective action problems on some issues. Sovereignty bargaining is one way of doing so, and is herein demonstrated (Chapter 5).

Measurements

I observe dichotomous variation on the IV when it comes to security cooperation in the EAC: high-level and low-level SCs. The Sovereignty Bargains engendered by these different intensities of SCs also vary: normal bargains rooted in low-level SCs and non-bargains rooted in high-level SCs. The outcomes vary accordingly: cooperation on coordination-problem security issues (of which I analyse terrorism and SALWs) and non-cooperation on critical-sovereignty security issues: rebellions. I examine differences between these categories of security issues that make them evoke different levels of SCs in the EAC (Chapter 4). This helps me to explain variations in the IV that engendered variations in the bargains and DV.

Table 2: Association of Key Concepts/Variables and Corresponding Cases (Security Issues)

Variations of IV (SCs)	Implications for Sovereignty Bargaining	Variation on DV (Security Cooperation Result)	Corresponding Security Issues
Low-Level SCs: a) Issue Interpreted as foreign in origin b) Regional agencies not necessary c) No belief in states' capability to handle the issues autonomously	<i>Normal Interstate Bargains:</i> negotiations, consultative meetings, expert analyses	Cooperation Agreement (Peace and Security Protocol, 2012); Cooperation practices e.g. intelligence sharing, jointly engaging international community, mobilising and sharing resources	Coordination-Problem Issues: e.g. Terrorism, SALWs

High-Level SCs: a) Issue Interpreted as domestic in origin, targets particular state. b) Regional agencies needed to resolve security issue c) Strong belief in states' own solutions using states' own authority structures	<i>Non-Bargains:</i> silence on rebellions during agenda setting (purposeful), opposing pro-cooperation demands, neglecting EALA's cooperation demands.	No agreement/protocol (since 1998): Non-Cooperation	Critical-Sovereignty Issues: mainly Rebellions
--	---	---	--

Variations in levels of SCs that different security issues evoke lead to variations in sovereignty bargains and cooperation outcomes. Table 2 indicates that while EAC states interpret other transnational security issues as foreign in origin, transnational rebellions are seen to be domestic-originated issues that target particular states. Where states believe they can coordinate their efforts against the former, they view regional agencies as needed for handling transnational rebel conflicts. Where they cannot project the belief that states can resolve foreign-originated issues, they strongly believe states should resolve the latter as they begin as armed struggles against constituted state authority. Rebellions are therefore seen as “sensitive” internal issues “of a political nature”—falling in the realm of monopoly of violence within states’ domestic domains. Evidence of these parameters is recorded in speeches and official documents, which I corroborated with interviewee responses. The evidence includes states designating other security issues as foreign in origin, but rebellions as domestic in origin; their belief in coordinated responses among state agencies vis-à-vis the need for strong regional agencies; and their perceived need to cooperate on “common problems” vis-à-vis expression of belief that rebel conflicts should be handled with states’ own resources and independently-constituted authority/security structures.

Coordination-problem security issues like piracy, terrorism, SALWs, evoke low-level SCs. Low-level SCs can be seen in: (a) states’ expressed desire to coordinate their efforts in addressing “common [security] problems”; (b) retention of states’ control over decision-making processes; and (b) perception that state structures can implement cooperation programs. These low-level SCs engender normal bargains, evident in: (a) formal

interstate negotiations; (b) consultative meetings; and (c) states-sanctioned expert analyses and opinions. These bargains inform final cooperation decisions that are contained in the peace and security protocol, whose implementation entails evident cooperation practices: sharing intelligence, mobilising and sharing resources, coordinated responses to security issues, and jointly engaging the international community on these issues.

However, with critical-sovereignty issues like rebellions we observe high-level SCs, indicated by: (a) states' resistance to external state and non-state actors' involvement in counterinsurgency operations; and (b) preference for independent solutions to rebel conflicts. These concerns produce non-bargains: silence about rebellions during security agenda setting, and opposition to demands for the EAC's involvement in states' counterinsurgency issues entailed in the regional Court's ruling on a case from Kenya. These non-bargains led to rebellions' exclusion from the EAC security cooperation framework; there is no agreement to cooperate on them; and pro-cooperation efforts were thwarted.

Sovereignty Bargaining

Sovereignty Concerns are causally associated with cooperation outcomes through the mediation of "sovereignty bargains". These are formal and non-formal processes of making or avoiding decisions on security cooperation. I measure sovereignty bargains (Table 2) first, by uncovering formal engagements during the agenda setting process. Evidence of normal bargains was obtained from minutes of meetings, reports on negotiations, and their documented outcomes. Where negotiations were consistent, incremental, and resulted in agreement on security cooperation that is contained in a legal convention with evident cooperation practices on the given issues, I infer that normal bargaining resulted in security cooperation on those issues. To measure non-bargains, I inquired into *whether* cooperation on rebellions was suggested in regional fora during the agenda-setting processes and/or negotiated over time thereafter. Finding that no state suggested cooperation on them, I inferred *purposeful silence* about rebellions. Interviewees confirmed this. I also observed policy makers' consistent

silence amidst demands to cooperate on the LRA rebellion. Both (a) silence about rebellions; and (b) opposition to pro-cooperation demands involved no formal interstate negotiations yet resulted in non-cooperation.

Silence becomes obvious when we consider transnational rebellions' exclusion from the EAC's security conventions developed when rebel conflicts prevailed: the exclusion was not accidental. Importantly, both state and EAC officials admit that the issue was not raised in regional fora. Informants revealed that states could not accept to cooperate on rebellions. This supplements my inference that *decision makers used purposeful silence* to exclude rebellions from the RO's cooperation framework. The ministerial Council used silence to keep rebellions from the public domain or from consideration by the EAC. Powerful actors exercise their decision-making power by creating or reinforcing values and institutional practices that limit public consideration to only those issues that are not detrimental to their desire to preserve states' meta-political authority.¹³⁷ Purposeful silence was a form of decision-making that involved non-decision and/or issue avoidance. A further robustness check: documented evidence of Council consistently ignoring demands for cooperation on rebellions provides extra evidence of silence. *Opposition* consists in the EAC's judicial decisions that thwarted demands for EAC involvement in handling issues related to counterinsurgency operations. The judicial decision prevented future cooperation demands by avoiding unwanted legal precedent. Thus, together, opposition and purposeful silence jointly stymied cooperation on rebellions.

Security Cooperation

Security cooperation includes few indicators: (a) the EAC security agenda, the regional peace and security strategy, which specifies issues, nature, and scope of cooperation; (b) legal instruments—the Treaty's provisions, peace and security and defence protocols, and memorandum of understanding (MoU)—which legalise the nature

¹³⁷ Peter Bachrach and Morton S. Baratz, 1962. 'Two Faces of Power.' *The American Political Science Review*, 56 (4):947-952 (p. 498)

and scope of cooperation on specified issues; (c) cooperation practices specified in protocols that constitute the agreement's implementation¹³⁸, including reports of intelligence sharing; mobilisation and sharing of resources; and joint engagement of the international community. Key sources for this evidence are activity reports and practitioners' experiences shared in interviews. The strategy and protocols evolved through a demonstrable process of sovereignty bargaining and reflect these sovereignty influences in their principles and objectives.

Data Sources and Methods

My approach uses raw data collected through key informant interviews conducted in all the five EAC partner states—Burundi, Kenya, Rwanda, Tanzania, and Uganda—; review of official documents, academic and non-academic publications; and observation of some decision-making processes. Beyond paraphrasing interview responses, I try diligently to quote interviewees directly. Where informants asked for confidentiality I use either “confidential” or a numerical-alphabetical code to refer to each interviewee. The processes that interest me are sovereignty bargains employed by EAC partner states to decide on the security issues and cooperation practices between 1993, when the EAC's revival process started (following the 1977 dissolution), and 2012 when I conducted field research. Concentration on post-1993 allows me to isolate pre-1993 and post-2012 cooperation. I study processes by which states developed the EAC security-cooperation framework so as to identify why and how states make cooperation decisions. I focus on security issues in the EAC for it is understudied, and for other reasons appropriate for crucial-case analyses and the logic of inference¹³⁹: concurrent security cooperation and non-cooperation in the understudied EAC; and because the EAC provides empirical corroboration for the theoretical assertion that sovereignty has not only constitutive but also *causal influence* on states' behaviour.¹⁴⁰

138 Fearon

139 Gary King, Robert O Keohane and Sudney Verba (KKV), 1994. *Designing Social Inquiry: Scientific Inference in Qualitative Research*. Princeton NJ: Princeton University Press

140 Wendt; Thomson

In addition to key informant interviews, I accessed resource centres/libraries of: the EAC; East African Legislative Assembly (EALA); and states' relevant ministries. I consulted legal instruments, background documents related to their development, and implementation reports. I reviewed relevant judgments of the East African Court of Justice (EACJ); the strategic plans of the sector on peace and security; EALA Hansards; and EAC Gazettes. I examined some official correspondences, and presentations in relevant fora on the EAC security cooperation. I studied minutes of meetings of security, defence, and intelligence practitioners; Sectoral Committees and Council meetings on security and defence matters; minutes and reports of the EALA's Committee on Regional Affairs and Conflict Resolution; resolutions and directives of sectoral councils and the Council of Ministers; and relevant Summit resolutions and directives. I studied some documents from the Nairobi-based Regional Centre on Small Arms and Light Weapons (RECSA); the International Conference on the Great Lakes Region (ICGLR); the UN Security Council; the World Bank; and the AU. Document sources are well referenced in this study. I observed some of the most important agenda-setting processes: a Council of Ministers' meeting in Bujumbura, Burundi, in 30 August – 1 September 2012; and the EALA legislative sessions in Nairobi, 5-12 September 2012. These sources provided overwhelming empirical support for my theory.

Analysis

My analysis followed themes and sub-themes developed in line with the objective of establishing evidence linking SCs, sovereignty bargains, and security cooperation outcomes. I use causal process observations to seek evidence of causal sequencing. By this method, I investigated the processes, events, and actions that constitute sovereignty bargaining. I then determined how these bargains in turn influenced the final cooperation outcome, that is, inclusion of some security issues in the protocols, hence cooperation on them; and exclusion of others hence non-cooperation on them.¹⁴¹ Security issues' inclusion in protocols was followed by observed

¹⁴¹ I used ideas from: David Collier, 2011. 'Understanding Process-Tracing.' *PS: Political Science and Politics*, 44 (4):823-830

cooperation practices specified in protocols. I consistency link evidence with my theory and analysis throughout this thesis. Instead of testing all the possible causal variables, I empirically demonstrate the causal association between SCs and security cooperation/non-cooperation by focusing on “the causal chain” and causal processes while avoiding complexities of “the ever-expanding menu of causal relationships.”¹⁴²

To summarise what is detailed in this chapter, we can conclude that my thesis is supported if:

- a) We find that through normal bargaining—formal negotiations, consultative meetings, expert analyses—EAC partner states reached negotiated consensus to cooperate on coordination-problem security issues, included them in the EAC’s security-cooperation instruments, and that there are ongoing security cooperation practices on these issues; and
- b) We find that non-bargaining strategies—opposition to cooperation on rebellions, and purposeful silence about them—stymied cooperation on transnational rebellions in the EAC, implying that high-level SCs explain non-cooperation on rebellions.

Likewise, we can reject my thesis if:

- a) We find no evidence of normal bargaining during agenda setting and its association with cooperation outcomes. In this case there would be no observable process of engagement between EAC partner states, as conceptualised herein, through which states determined cooperation outcomes. This would imply that other possible factors influenced security cooperation outcomes.
- b) No evidence of non-bargains that stymied cooperation on rebellions is established, indicating that other possible factors (other than high-level SCs) explain non-cooperation on rebellions. This would obtain if we find neither evidence of opposition to any rebellions-related demands upon the EAC, nor intra-EAC engagements that sought to include rebellions on the EAC security agenda.

142 John Gerring, 2005. ‘Causation: A Unified Framework for the Social Sciences.’ *Journal of Theoretical Politics*, 17 (2):163–198 (p. 164)

Organisation of the Thesis

The rest of this Thesis is organised in six chapters. Chapter 2 is a systematic review of literature to identify possible explanations for the puzzle. I conceive of “regionalism” as international politics involving *organised cooperation* among states within geopolitically contiguous regions. I link regionalism with security cooperation, and present the EAC as a case of regionalism where states cooperate on various security issues but not on transnational rebellions. I analyse the non-intervention thesis, the neoliberal critic of neorealism, and narrow down to studies on security cooperation in Africa. Concluding that the key missing link is the analytical value of sovereignty, I suggest a theorisation of sovereignty.

Chapter 3 presents my theoretical framework. It shows the theoretical association between SCs, sovereignty bargains, and security cooperation/non-cooperation. I argue that low-level SCs engender normal bargains, which lead to consensual cooperation on the given security issues. High-level SCs engender non-bargains: *silence* and *opposition*, which stymie cooperation. My taxonomy of SCs identifies “intermediate” SCs between high-level and low-level SCs. These affect cooperation outcomes through protracted bargaining. I found no evidence of protracted bargains on security cooperation. Thus, this thesis has no empirical chapter on protracted bargains in the EAC. Chapter 4 continues the theorisation in Chapter 3. It shows how and why different security issues evoke different levels of SCs. Basing on the aforesaid sovereignty parameters, I distinguish coordination-problem security issues that evoke low-level SCs, like piracy, money laundering, and terrorism, from critical-sovereignty security issues that evoke high-level SCs, mainly transnational rebellions. I attempt, in this Chapter, to demonstrate these theoretical claims with verifiable evidence from East Africa.

Chapters 5 and 6 are empirical. In Chapter 5, I demonstrate that through normal bargains states included coordination-problem security issues in the EAC security cooperation framework. I chose terrorism and control of SALWs proliferation to examine cooperation practices on these issues, showing how cooperation measures

were designed in a way that respects states' meta-political authority. In Chapter 6, I demonstrate that non-bargains stymied cooperation on rebellions: (i) the EACJ judicially opposed pro-cooperation voices; and (ii) Council of Ministers stymied pro-cooperation demands from civil society and the EALA. I infer that Council's silence about rebellions over time was deliberate. The EACJ's verdict augmented this silence. Hence, opposition and silence reinforced each other, imbedding non-cooperation on rebellions.

Chapter 7 concludes the study. It synthesises the relationship between SCs and security cooperation/non-cooperation. I briefly outline the thesis's implications for sub-disciplines: Regionalism, International Security, and African International Politics. I then assess my argument's applicability to security cooperation in other ROs: SADC and ECOWAS in Africa, and ASEAN in Asia, some member-states of which face armed conflicts with regional security implications. I end with recommendations.

CHAPTER TWO

THE PUZZLE OF SECURITY COOPERATION IN THE EAC – THE LITERATURE

Introductory Overview

How do we address the puzzle of regional security cooperation in the EAC where transnational security issues are included in the RO's cooperation framework while transnational armed rebellions with regional security implications are excluded? Neither the EAC Treaty nor its operational instruments specify cooperation on armed rebellions. In these instruments, states agree to jointly address "common security challenges" but rebellions.¹⁴³ States' commitment to the "promotion of peace, security and stability" via peace and security and defence cooperation¹⁴⁴ is narrow as defence cooperation is limited to confidence building.¹⁴⁵ If cooperation presupposes convergence of states' interests¹⁴⁶, then in the EAC states' interests seem to have converged on other security issues but rebellions. What explains interest convergence on some and not other security issues within an RO? How does this obtain to influence security cooperation outcomes? Answering these posers is the task here. This requires more than an informed appreciation of the APSA's regionalised implementation.¹⁴⁷ Emphasis on Regional Brigades in the APSA indicates—and raises expectations—that ROs in Africa are key players in security cooperation.¹⁴⁸ From an empirical standpoint, non-cooperation on rebellions in the EAC negates security cooperation in a region where rebellions prevail. From a pan-African viewpoint, it gainsays AU efforts in deepening, broadening, and legitimising security cooperation. This contradiction requires explanation.

143 Treaty (Articles 123-125); Peace and Security Protocol; Peace and Security Strategy, pp. 5-6; AU, 2012. *Regional Economic Communities*. Addis Ababa: AU (<http://www.africaunion.org/root/au/recs/eac.htm>, accessed 2 February 2012), pp 3-4; EAC (Fn. 1-2)

144 Paul Mukumbya, 2007. 'Regional Economic Communities as Building Blocks for Continental Integration: The Case of the East African Community. Kampala: Ministry of Foreign Affairs/EAC Division, p. 12; EAC Treaty, Article 124

145 Defence Protocol

146 Stein; Solingen, *Regional Orders at Century's Dawn*; Keohane, 'The Demand for International Regimes'

147 Williams, 'From Non-Intervention to Non-Indifference'; Touray, 'The Common African Defence and Security Policy'; Bah.

148 Vines, 'A decade of the African Peace And Security Architecture', AU, Regional Economic Communities; Franke, 'Précis of Security Cooperation in Africa'; van Nieuwkerk

I stressed the importance of addressing this poser in Chapter 1. Two other issues make non-cooperation on rebellions in the EAC puzzling. First, a decade ago the AU commended the EAC for making strides in security cooperation. It reported that “The EAC has established a Sectoral Committee on Co-operation in Defence”, and an inter-state security committee that worked to “exchange information on implementation of National Action Plans in line with the Nairobi Declaration [on SALWs].” The EAC’s defence experts’ working group on operations and training was commended for planning joint exercises on peacekeeping operations, counterterrorism, and disaster responses.¹⁴⁹ None of these efforts addresses rebellions. Why states that are credited for cooperating on various security issues eschew cooperation on rebellions is a key question in a region facing armed conflicts.

Second, non-cooperation on rebellions is puzzling considering the *intensity* and *extensity* of armed conflicts in the region. Intensity here implies the seriousness of the security issue: its general consequences for security. Extensity implies how widespread it is: that is, how many states in an RO a security issue affects compared to non-affected states. Consequences for general security—displacement of people, loss of lives, child soldiering, refugees, proliferation of SALWs, warlordism, and negating peace and security as bedrocks of socioeconomic development—are clear costs of conflicts that are observable in the region.¹⁵⁰ Consider extensity: rebellions are widespread, affecting all EAC partner states; and prevail in the EAC neighbourhood: DRC, Sudan, and Somalia. Two examples suffice: first, Tanzania granted citizenship to 162,000 Burundian refugees previously displaced by armed insecurity.¹⁵¹ Second, only Tanzania out of the EAC’s five partner states has not experienced rebellions. Thus, 80% of the EAC is either presently affected or has been affected at some point since 1993 (appendix IV). Moreover, weak controls in Somalia, South Sudan, and DRC provide operational space and training grounds for rebel groups fighting EAC partner states, hence the transnational dimension of these

149 AU, *Regional Economic Communities*, pp. 3-4

150 Vinci; AfDB, *Africa Development Report 2008/2009*, Ch. 2

151 EALA, 2010 (Thursday, 22 April). *Motion for a Resolution of the Assembly to Accord Special Thanks to the United Republic of Tanzania for Granting Nationality to 162,000 Burundi Refugees*, *EALA Debates/The Hansard*. Arusha: EALA, p. 26

rebellions.¹⁵² Thus, the EAC is geopolitically situated in Africa's turbulent Great Lakes Region (GLR) wherein rebellions cause most of the insecurity, making regional security cooperation a prudent expectation.

I conceive of "regionalism" as *organised* cooperation among states within geopolitically contiguous regions. ROs embody and facilitate such cooperation. Linking regionalism with international security cooperation, I consider the EAC an instance of regionalism. I then survey several literatures for possible explanations for this puzzle: the non-intervention thesis, the neoliberal critic of neorealism, and studies on security cooperation in Africa. To conclude, I highlight the oft-missed analytical value of sovereignty. I suggest a theorisation of sovereignty.

Regionalism and Regional Organisations

Regionalism presupposes interstate cooperation to solve region-specific problems.¹⁵³ It is defined from both essentialist and neofunctionalist perspectives. Essentialists stress "sustained cooperation... amongst governments, non-governmental organisations, or the private sector in [several] countries for *mutual gain*."¹⁵⁴ Such "essential" cooperation includes what Mansfield and Solingen call "regionalisation" or *socioeconomic* cooperation; and "regionalism" or *political and security* cooperation.¹⁵⁵ Essentialists admit the role of non-state socio-economic interactions within a region (regionalisation), but admit the role of politics (regionalism). While actors cooperate "for mutual gain", cooperation for issue-specific functional purposes is *functionalist*.

The neofunctionalist thesis avers that regionalism is a functional response to common welfare concerns, like the flow of capital, human rights, environmental degradation, and "common interest" issues. This gives rise to issue-based organisations. Accordingly, functional cooperation involves merging "powerful governmental pursuits into

152 Vinci; Prunier, *Africa's World War*

153 Andrew Hurrell, 1995. 'Explaining the Resurgence of Regionalism in World Politics. *Review of International Studies*, 21 (4):331-358; Edward D. Mansfield and Helen V. Milner, 1999. 'The New Wave of Regionalism', *International Organization*, 53 (3):589-627; Raimo Vayrynen, 2003. 'Regionalism: Old and New. *International Studies Review*, 5 (1):25-51

154 Margaret P. Karns and Karen A. Mingst, 2009. *International Organizations: The Politics and Processes of Global Governance*. London: Lynne Rienner, p. 147

155 Edward D. Mansfield and Etel Solingen, 2010. 'Regionalism.' *Annual Review of Political Science*, 13 (1):145-163

welfare-oriented action” where “integrative lessons learned in one functional context will be applied to others.”¹⁵⁶

Functional cooperation addresses states’ common welfare interests: “men in many nations share certain welfare aims”, and “international agencies possessing functional jurisdiction” can be “devoted to welfare measures”¹⁵⁷ leading to “functional co-determination.”¹⁵⁸ These “agencies” include ROs that embody organised cooperation.

A different viewpoint I call the “Governance Perspective”, treats “regionalism” and “Regionalism” differently. It sees ROs as states’ constructions within the ambit of post-World War II international organisation.¹⁵⁹ It views *regionalism* as a process and practice of international politics; and *Regionalism* as an intellectual enterprise. As a political process and practice, regionalism entails organised cooperation among states within a region, leading to ROs as regional governance structures.¹⁶⁰ This echoes states’ tendency to act through formal IOs.¹⁶¹ Cooperation is informed by the political imperatives of governance below the UN but above the nation-state. As levels of governance, ROs address region-specific problems that are unilaterally difficult but which all-inclusive IOs like the UN may not address.¹⁶² As an intellectual endeavour, “Regionalism” is the study of “regionalism”: of organised international cooperation from a regional viewpoint. Scholarly examples include Solingen’s analysis of the role of coalition politics in regionalism; Acharya’s “norm diffusion” thesis; Hemmer and Katzenstein’s study of differential security regionalisms; and Mansfield and Solingen’s synthesis of “regionalism”.¹⁶³ This endeavour, “Regionalism”, falls within the liberalist cooperation theory.

156 Ernst B Haas, 1964. *Beyond the Nation-State: Functionalism and International Organisation*, Stanford, Cal.: Stanford University Press, p. 48

157 *ibid*, p. 11

158 David Mitrany, 1965. ‘The Prospect of European Integration: Federal or Functional.’ *Journal of Common Market Studies*, 4 (2):119-149

159 The *Journal International Organization* seems to focus on studies of organised international cooperation.

160 Oran R Young, 1999. *Governance in World Affairs*. New York: Cornell University Press, pp. 50-132

161 Kenneth W Abbot and Duncan Snidal, 1998. ‘Why States Act through Formal International Organisations.’ *Journal of Conflict Resolution*, 42 (1):3-32

162 Claude, Jr., Swords into Plowshares.; Susan Aurelia Gitelson, 1973. ‘Can the U.N. be an Effective Catalyst for Regional Integration? The Case of the East African Community.’ *The Journal of Developing Areas*, 8 (1):65-82; Francis O Wilcox. 1965. ‘Regionalism and the United Nations.’ *International Organization*, 19 (3):789-811

163 Acharya, *Whose Ideas Matter?*; Solingen; Hemmer and Katzenstein; Mansfield and Solingen.

This study combines “Regionalism”, International Security, and African/Area Studies. I probe organised security cooperation among sovereign states within a region. I take *Regionalism* as an inquest in the meeting-point between geopolitical contiguity and *organised* cooperation among sovereign states. Both socio-economic and political-security cooperation by be concurrent in ROs. But I focus on security cooperation, whereby ROs are geographically-defined forms of organised international cooperation. I retain geographical and state-centric biases in line with Mansfield and Solingen’s conceptualisation.¹⁶⁴ Though “regions are not self-contained formal territorial entities”,¹⁶⁵ the notion of *region* supposes dynamic geographical contiguity. But this dynamism is not unlimited: not every country, including one located beyond the region, can join the RO. In the EAC, “geographical proximity”—sharing borders with a partner state—is a precondition for joining the RO.¹⁶⁶ Politics is vital to regionalism, for states found ROs to promote their interests. The notion of state interests underlies my *rationalist view of regionalism*. But I appreciate the value of ideational or cultural perspectives on why and how ROs arise and operate.¹⁶⁷ Therefore, ROs are interstate organisations created and operating in a geopolitically contiguous region. They serve states’ regional interests while interacting with states, IOs, and ROs beyond the region.¹⁶⁸

When states decide to cooperate they found ROs which may vary in simplicity/complexity, size, resources, and formality. Formality is a key attribute since formal ROs involve and facilitate regular interactions between state and RO officials.¹⁶⁹ ROs are state-centric entities within which member states retain key decision-making powers. Therefore, states decide issues of cooperation that promote shared interests. In security affairs, formal cooperation is intended to address common security concerns. The operations and activities of ROs are focused

164 Mansfield and Solingen. My conception distinguishes bilateralism and multilateralism from regionalism. Cooperation between, say, European and South American polities, is not regionalisms but a variant of, multilateralism, trans-regionalism and inter-regionalism, depending on actors. For a critique of this geographical bias, see John Agnew, 1994. ‘The Territorial Trap: The Geographical Assumptions of International Relations Theory.’ *Review of International Political Economy*, 1 (1):53-80

165 Andrew E.G. Jonas, 2011. ‘Region and Place: Regionalism in Question.’ *Progress in Human Geography*, 36 (2): 263–272 (p. 264)

166 Treaty, Article 3(3)(d)

167 For a constructivist viewpoint, see: Acharya, *Whose Ideas Matters?*; Hemmer and Katzenstein; Emanuel Adler, Michael Barnett, eds., 1998. *Security Communities*, Cambridge: Cambridge University Press

168 See: Young, *Governance in World Affairs*, pp 50-132 (on regime enforcement and effectiveness)

169 Abbot and Snidal

on addressing these issues.¹⁷⁰ Some ROs may remain security-centred and thus issue-specific, such as NATO¹⁷¹ or ICGLR.¹⁷² Others handle both security and non-security issues, becoming general purpose, development-oriented, and/or hybridised entities. Where these ROs involve security cooperation, states specify it in legal instruments.¹⁷³ Such cooperation may be limited within the geographic region or its operational reach may transcend member-states' location. Extra-regional operations extend a security organisation like NATO only in so far as they signify its members' interests and influence.¹⁷⁴

I stress states' security preferences for including security cooperation in their ROs. Scholars have argued that states "have increased incentives to invest in building regional security arrangements."¹⁷⁵ They agree that ROs serve states' interests—security, economic, ideological, and cultural. If states' interests are crucial, then regional security cooperation indicates convergence of security interests in the region. Here, ROs signify cooperation since states interface at the level of, and through, the organisation.¹⁷⁶ This is a core attribute of regionalism.

Regionalism and Regional Security Cooperation

Regionalism is a historical phenomenon in international politics. However, most present-day analyses contextualise it in the post-World War II era because the end of World War II marked the beginning of a new dawn of international politics. It ushered in the UN as the broadest embodiment of international organisation and cooperation on especially security matters. The UN's limitations in handling regional security issues, however,

170 Amitav Acharya, 2007. 'The Emerging Regional Architecture of World Politics.' *World Politics*, 59 (4):629-652; Derrick Frazier & Robert Stewart-Ingersoll, 2010. 'Regional Powers and Security: A framework for Understanding Order within Regional Security Complexes.' *European Journal of International Relations*, 16 (4):731–753

171 Anthony P. Adamthwaite, 2003. 'NATO After Fifty Years.' *Journal of Cold War Studies*, 5 (2):115-117

172 NORAD, 2009. *The International Conference on the Great Lakes Region (ICGLR) – Review of Norwegian support to the ICGLR Secretariat*. Oslo: NORAD; ICGLR, 2006. *The Pact on Security, Stability and Development in the Great Lakes Region*, Bujumbura: ICGLR. For Other Protocols in this Pact, see References.

173 Bah

174 See: Ivo Daalder and James Goldgeier, 2006. 'Global NATO'. *Foreign Affairs* 85 (5):105-113; W. Bruce Weinrod, 2012. 'The Future of NATO.' *Mediterranean Quarterly*, 23 (2):1-13

175 Press-Barnathan, p. 281; Jones and Forman, 'Introduction'

176 Abbot and Snidal

incentivised states to create regional security institutions and organisations.¹⁷⁷ The UN subsumes ROs provided they are “consistent with the Purposes and Principles of the United Nations”¹⁷⁸ under chapter VIII of its Charter. For Wilcox, Cold War challenges, rapid growth of ROs, and threats of nuclear war triggered a debate on whether to retain one universal, security-centred, international organisation or form ROs under it. Intellectuals of the “regionalist” school saw ROs as “a natural outgrowth of international cooperation and desirable stepping-stones toward world organisation”; as “indispensable elements in [the UN’s] successful growth and functioning.”¹⁷⁹ The “universalist” argument, however, opposed regionalism.

Universalists viewed regionalism through traditional security lenses, dismissing ROs as old-fashioned military alliances that would foment Great-Power rivalries within regions. ROs, they reasoned, might hamper the UN’s effectiveness, undermine its collective security role, and generate future insecurity. However, some ROs with technical, economic, and defence roles, and providing organisational frameworks for considering broad political issues, had emerged in the post-World War II era¹⁸⁰, thriving in Europe and Africa. For Padelford, ROs’ potentialities and limitations were not easy to determine because of political, administrative, and other issues associated with ROs’ functioning on which little was then known: it was too early to judge ROs. The UN with its agencies could not address the world’s diverse regional specificities.

Accordingly, the UN is necessary but insufficient to solve region-specific problems owing to regional differences and the benefits of geographical contiguity ROs enjoy. The UN recognised the regionalist position that holds to-date.¹⁸¹ Since 1945, therefore, studies of regionalism start from the universalism-regionalism debate in the UN. Ground-breaking works include Haas’s and Mitrany’s, on European integration; Claude Jr’s analysis of the

177 Jones, Forman, and Gowan, *Cooperating for Peace and Security*

178 United Nations, 1945. *Charter of the United Nations*, San Francisco: UN, VIII(52)

179 Wilcox, p. 789

180 Norman J. Padelford, 1954. ‘Regional Organization and the United Nations.’ *International Organization*, 8 (2):203-216

181 Padelford, p. 205.

globalist-regionalist debate in the post-World War II era¹⁸², and present-day region-specific studies, like those on ASEAN¹⁸³ or MERCOSUR¹⁸⁴, or studies of post-Cold War “new regionalism”.¹⁸⁵ Earlier studies stressed the state’s role in regionalism but suggested looking beyond state sovereignty to ease cooperation. The latest cooperation literature addresses ROs’ power, institutional, and ideational dynamics.¹⁸⁶

Claude Jr argues that ROs constitute a tier of governance above the state but below the more inclusive global organisations like the UN. ROs can best address regional challenges; global organisations like the UN are suitable for problems of a global nature.¹⁸⁷ ROs are functional entities for managing region-specific concerns. Within ROs, functional cooperation allows states to address issues which they would hardly address through unilateralism and decision-making autonomy: “the benefit of integration, namely increased national prosperity, is worth the cost in terms of diminished national policymaking autonomy and power.”¹⁸⁸ Haas emphasizes techno-bureaucratic cooperation on issue-areas where unilateralism would be less effective, or even counterproductive, while admitting the value of collective security in Europe.¹⁸⁹ Keohane’s theory of hegemony-driven cooperation stresses mutuality of states’ interests. When applied to regionalism, it implies that regional hegemony is vital for initiating cooperation akin to Press-Barnathan’s argument.¹⁹⁰ However, hegemony is not critical across time, space, and context. Hegemony may wane but cooperation may persist as a result of

182 Ernst B Haas, 1958. *The Uniting of Europe; Political, Social, and Economic Forces, 1950-1957*. Stanford: Stanford University Press; Paul A. Tharp, ed., 1971. *Regional International Organizations: Structures, and Functions*, NY: St Martin’s Press; John Pinder, 1965. ‘The Case for Economic Integration.’ *Journal of Common Market Studies*, 3 (3):246-259; Mitrany; Claude, Jr.

183 Acharya, *Whose Ideas Matter?*; Acharya and Goh, *Reassessing Security Cooperation in Asia-Pacific*; Acharya, ‘Ideas, Identity and Institution Building’.

184 Robert Delvin and Ricardo Ffrench-Davis, 1999. *Towards an Evaluation of Regional Integration in Latin America in the 1990s*. BID-INTAL: Buenos Aires

185 Hurrell; Mansfield and Milner; Vayrynen

186 Acharya, *Whose Ideas Matter?*; Ralph Emmers, 2003. *Cooperative Security and the Balance of Power in ASEAN and ARF*. New York: Routledge Curzon; Boyka Stefanova, 2006. ‘Regional Integration as a System of Conflict Resolution: The European Experience.’ *World Affairs*, 169 (2):81-93

187 Claude, Jr.

188 Mattli, p.150

189 Ernst B Haas, 1958. ‘The Challenge of Regionalism.’ *International Organization*, 12 (4):440-458; Stefanova.

190 Robert O Keohane, 1984. *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton: Princeton University Press; Press-Barnathan.

institutional carry-over. These works reveal that: states are aware of the benefits of cooperation; and, that cooperation requires convergence of mutual functional or welfare interests.

Mitrany appreciates the sovereignty reservations of cooperating states and states' potential defection from commitments. However, he favours a balance between national and common interests where "political self-determination" translates into "*functional co-determination*". He writes: "we can neither ignore the deep roots of nationality in the search for material efficiency, nor deny the urgent cry for social betterment for the sake of a hollow independence... Internationally speaking, political self-determination... is translated into *functional co-determination*".¹⁹¹ Mitrany believes ROs can assume states' functional roles, falling within the federalist thesis that predicts a sovereignty-reducing supranational entity. This differs from Milward's view that regionalism can arise where and when states in the region seek self-preservation through regional cooperation.

Milward studies European regionalism. He argues that regional integration rescued a troubled state in post-War Europe. Regionalism assured states of security and survival, facilitated the reconstruction of the ravaged state, and offered the then-weakened nation-state more legitimacy and increased effectiveness in security and socioeconomic governance.¹⁹² The efficacy and relevance of European integration, Milward argues, depend on its contribution to rescuing the European state and to state survival. This sometimes necessitates encroaching on the state's sovereign prerogatives. Without regional assurance of state survival, powerful European states might have subdued less powerful ones, competed over these spoils, and plunged Europe into another dangerous security scenario—a new "tragedy of great power politics" as powerful states compete for the spoils of weaker states.¹⁹³ Milward's emphasis on cooperation to rescue a troubled nation-state that co-exists with ROs combines neofunctionalist views, statist biases, and Glaser's notion of "cooperation as self-help."¹⁹⁴ It presents

191 Mitrany, p. 125, and 139

192 Milward, *The European Rescue of the Nation State*.

193 John J Mearsheimer, 2001. *The Tragedy of Great Power Politics*. New York: Norton

194 Charles L. Glaser, 1994/5. 'Realists as Optimists: Cooperation as Self-Help.' *International Security*, 19 (3):50-90

states as potentially worse off should they chose not to cooperate, hence the desire to avoid costs of non-cooperation. These viewpoints supplement Claude's view that ROs are founded to serve state interests.

For Abbot and Snidal, states like acting through formal IOs/ROs because organisations are *centralised* and *independent*.¹⁹⁵ "Independence" allows organisations to act autonomously within clearly defined spheres, and to manage interstate disputes in a neutral manner. "Centralisation" includes structures, and centralised administrative support with secretariats. Centralised functions include facilitating state interactions; managing substantive operations (negotiations, distributional roles, pooling of activities, assets and risks, joint production); norm elaboration; and coordination. Hypothetically, by re-echoing cooperation instruments and shared values, ROs challenge states to reflect on the benefits of cooperation. For instance, the EAC secretariat may 'remind' states to cooperate on various security issues by echoing the Treaty. This analysis neither accounts for instances when ROs' "centralization" and "autonomy" may generate discontent among states over ROs' autonomy nor reveals how states ensure that ROs' centralisation and autonomy do not threaten states' sovereign autonomy. What explains differential organisational autonomy and variations in issues about which organisations are given more or less autonomy as empirical realities show?¹⁹⁶

If ROs' autonomy is vital in managing substantive operations, then states seriously think about agreements' content and their implementation within ROs. Scholars believe the shadow of the future informs agreements' *evolution* and their *enforcement*: "Though a long shadow of the future may make *enforcing* an agreement easier, it can also give states incentives to *bargain harder*, delaying agreement in hopes of getting a better deal."¹⁹⁷ This leads to protracted bargains. Thus, the shadow of the future may *promise* enforcement of conventions but *complicate* states' decisions on the nature and scope of cooperation given other concerns.

195 Abbot and Snidal.

196 Haftel and Thomson, 'The Independence of International Organizations'.

197 Haftel and Thomson, p. 270 (emphasis original)

What aspect of this “shadow” incentivises states “to bargain harder”? Fearon stresses the need to secure a better deal. He focuses on states’ preferences and rankings of issues in question, “distributional conflicts in bargaining to such agreements”, expectations about likely duration, and “holding out for a better deal” vis-à-vis the risk of exclusion. Consequently, “the more states value future benefits, the greater the incentive to bargain hard for a good deal, possibly fostering costly standoffs that impede cooperation.”¹⁹⁸ But Fearon does not trace the origins and motives of state preferences and issue ranking. If, for instance, rebellions are ranked differently from other security issues in the EAC, what informs these rankings to influence security agenda setting in the RO? States’ preferences on cooperation outcomes inform bargaining. These proclivities may be rooted in SCs that inform states’ decisions on cooperation and non-cooperation as evidence from the EAC shows.

Regionalism and Security Cooperation in the EAC

The EAC signifies regionalism in Eastern Africa. One of Africa’s Regional Economic Communities (RECs) under the AU, the EAC is an intergovernmental organisation that originally consisted of Kenya, Tanzania, and Uganda. Burundi and Rwanda joined the RO in 2007. Regionalism in East Africa “evolved as a result of historical circumstances”: a shared colonial past and postcolonial attempts at regionalism during the 1960s and 1970s.¹⁹⁹ Initial studies of the EAC analyse its evolution, its pan-African dimensions, and level of integration, historicising its organisational and institutional robustness unparalleled elsewhere in the world.²⁰⁰ By the 1970s the EAC was “the most sophisticated regional cooperative arrangement undertaken in the Third World.”²⁰¹ By the 1969 Arusha Agreement between the East African Common Services Organisation (EACSO), and the European Economic Community (EEC), EASCO states “became the first Commonwealth countries to conclude an operative

198 Fearon, pp. 295-6

199 Sebalu, p. 345; Buell

200 Nye, Jr., ‘East African Economic Integration’; *Pan-Africanism and East African Integration*; Welch, Jr.; Sebalu; Mojmir Povolny, 1966. ‘Africa in Search of Unity: Model and Reality.’ *Background* 9 (4):297-318; Gitelson; Nabudere, p.6

201 Ravenhill, p. 227

association agreement” with the EEC.²⁰² Wanjohi reports that, “there was not a properly functional and constituted monetary union in a single region of the world except the EAC during the 1960s and the 1970s.”²⁰³ Therefore, the EAC is one of the oldest ROs in the world. The EAC still values this history.²⁰⁴ Although post-1977 studies were concerned with its dissolution²⁰⁵, few studies have followed these attempts even after its revival during the 1990s. The next overview summarises a long history (Tabulated in Appendix I).

Brief Historical Overview

The original partner states had formed British East Africa but were colonised separately. Britain had linked them through infrastructure and regular interactions between its colonial officials. But she could not federate them as the British empire weakened during World War II. The British experiment of federating colonies had started in 1893 when Lord Durham mooted the idea of federation in a report on North American colonies. Durham “proposed a separation between British interests and those of the colonies in order to prepare them for ‘responsible government’.”²⁰⁶ Prime Minister Arthur Chamberlain, famed for appeasement policy, promised support to federation arrangements. The idea was reproduced in East Africa where inter-colony cooperation had started in the 1890s, fostered service interconnections, economic interdependence, and ensured “effective occupation” by which Britain stymied competition for these colonies from other European states during the scramble for, and partition of, Africa after the 1884-5 Berlin colonial conference. Despite some anti-integration forces in the region, by 1963 the EASCO was highly institutionalised.²⁰⁷ Thus, both the idea of political federation in the 1940s and 1950s and postcolonial regional integration had colonial roots.

202 Ghai, p.81.

203 Wanjohi

204 EAC, Treaty

205 Mugomba; Hazlewood

206 Nabudere, pp. 5-6

207 EAC Treaty; Buel

Oliver Lyttleton (Lord Chandos), Britain's Secretary of State for the Colonies, mentioned the East African federation at a meeting of the East African Diner Club in Nairobi. Lyttleton's speech, reported in the *East African Standard*, 3rd July 1953, highlighted "the possibility of a future federation of the East African territories."²⁰⁸ This voiced official policy in London because: it was made by a high-ranking officer; Durham had proposed federation of American colonies in 1893; and there were pro-federation demands in East Africa. British "settlers in Kenya, backed by strong support in London", demanded "a Dominion stretching from the Zambesi to the Nile" with themselves as rulers. They pushed for "the coordination of the different colonies, particularly Kenya, Uganda, and Tanganyika, with the view to the eventual establishment of a self-governing federation patterned after that set up in South Africa in 1910."²⁰⁹ These demands had gained momentum within and without East Africa and preceded Lyttleton's suggestion.²¹⁰ But a Caucasoid-controlled East African federation was contentious for it would potentially implant a South Africa-like apartheid and stifle Africans' self-rule that Buganda wanted.

Support for the "Dominion" came from the increasing numbers of British settlers in Kenya highlands, some Asian businesspersons, colonial officials, and London sympathisers with their English brethren in East Africa. Buganda (a pre-colonial state-turned-'British protectorate' in central-southern Uganda) opposed the federation and demanded independence. This opposition was not taken lightly. Uganda's colonial governor, Andrew Cohen, clashed with the *Kabaka* (Supreme Ruler) of Buganda, Edward Mutesa II, over the issue in 1953. The resulting "Kabaka Crisis" forced Mutesa into exile—ironically in London.²¹¹ But soon after 1960 postcolonial leaders also envisioned the federation. Post-colonial states had become separate sovereigns under the UN principle of self-determination. Though leaders reasoned that it would be costly to demolish shared structures, institutions and services of the EACSO, they joined the debate on continental unification of Africa before federating East Africa.

208 Nabudere, p. 6

209 Buell, p. 410

210 Buel

211 BDOHP Biographical Details and *Interview* Index (from <http://www.chu.cam.ac.uk/archives/collections/BDOHP/Buist.pdf> (accessed 27 Jan. 2012); Nabudere, p. 6

This wave of pan-Africanism evoked a Continentalism-Regionalism debate in which Ghana's Kwame Nkrumah favoured the unification of the African continent after the USA's federation model. Tanzania's Julius Kambage Nyerere favoured regional federations. This, he believed, would create socioeconomically and politically and robust regional polities. In 1964 the OAU resolved this debate: RECs would be formed in Africa's regions within the ambit of the OAU. This gave the EAC a continental context as an RO under the OAU.²¹²

By the 6 June 1967 Treaty, EACSO was legalised—as the EAC—with the East African Authority as its supreme organ. Under the Authority was the Committee of East African Ministers who resided at Arusha, for day-to-day decision-making and briefed their home governments regularly. There were five Ministerial Councils under which were Common Services administered under the EACSO as the EAC Secretariat. The East African Legislative Assembly included the three ministers and their deputies, one Secretary-General, and twenty-seven members (nine from each member-state). The EAC had experimented with pooling of sovereignty through shared governance structures and institutions.²¹³

However, the 1967 Treaty was dissolved in 1977. Explanations for the dissolution range from failures of the colonial integration program, through divergent political interests, to foreign interference.²¹⁴ Despite this dissolution, states agreed, under Article 14 of the Agreement for the Division of Assets and Liabilities, to “*explore and identify areas for future co-operation, and to arrange for such co-operation where necessary and for the continuation of certain institutions and services.*”²¹⁵ During the 1990s, the EAC was revived. Negotiations led to a Permanent Tripartite Commission for Cooperation set up on 30 November 1993, and ended with the 30

212 Welch Jr.; Patricia B. Wild, 1971. 'Radicals and Moderates in the OAU: Origins of Conflicts and Bases for Coexistence', in Paul A. Tharp, Jr., ed., *Regional International Organisations*. New York: St Martin's Press, pp. 36-50

213 Umbricht, *Multilateral Mediation*, pp. 13-14. The Councils included Finance, Common Market, Communications, Research and Social Affairs, and Economic Consultative and Planning Council. Common services included social, infrastructural, industrial, judicial, and other services.

214 Nabudere; Umbricht; Bethwell A. Ogot, 2006. *My Footprints on the Sands of Time: An Autobiography*. Kisumu: Anyange Press Limited (esp. Ch. 11); Potholm.

215 EAC, 1984. *Agreement for the Division of Assets and Liabilities of the former East African Community*. Arusha: EAC

November 1999 Treaty. In a short period, the EAC was revived.²¹⁶ The Treaty provided for cooperation in social, economic, infrastructure, political, scientific, and security affairs; and preserves pre-existing institutions.²¹⁷

In security affairs, the Treaty provides for: “strengthening the security of the Community and its Partner States *in all ways*”; preservation of peace and facilitation of “international security among the Partner States and within the Community”.²¹⁸ Security cooperation is an essentialist response to prevailing security issues: terrorism, proliferation of SALWs, human and drug trafficking, transnational organised crime, piracy, and cybercrime. Rebellions also prevail: non-cooperation on them is the puzzle here. Rebellions are closely related to state sovereignty (domestic control, monopoly of violence) yet cooperation requires sharing sovereign duties. They have afflicted most EAC partner states. Given Africa’s largely peaceful interstate system, rebellions are *the* major security challenge—the fulcrum around which security cooperation would revolve.

Rebellions are both “intrastate wars” and transnational armed conflicts. Intrastate wars involve “organized combat between or among regular armed forces that takes place within the territorial boundaries of a state system’s member”, leading to “1,000 battle-related deaths per year” from the day of onset.²¹⁹ But rebellions in Africa are not confined “within the territorial boundaries of a state” whose government they fight.²²⁰ They are transnational. A conceptual challenge arises when defining armed combat between non-state state proxies²²¹ and “extra-state wars” involving “fighting by a state system member *outside its borders* against the armed forces

216 EAC, Treaty, Preamble.

217 E.g. EADB; IUCEA; School of Librarianship; Flying School. It established new institutions like the CASSOA.

218 Treaty, Articles 123 (3)(a)-(f)

219 Meredith Reid Sarkees and Frank Whelon Wayman, 2010. *Resort to War: 1816–2007 (A Data Guide to Inter-State, Extra-State, Intra-state, and Non-State Wars, 1816-2007)*. Washington DC: CQ Press, p. 337

220 Sarkees and Wayman admit the difficulty of separating intrastate from extra-state and non-state wars by considering who is affected, defining state authority, and distinguishing initial objectives and outcomes. Civil wars’ objectives vary as do outcomes. In Southern Sudan, the objective (reforming the State) was not the outcome (secession). Matthew LeRiche and Matthew Arnold, 2012. *South Sudan: From Revolution to Independence*. London: C. Hurst & Co.

221 For instance, Sudan’s SPLA, and Uganda’s LRA, might fight from the DRC’s and Sudan’s territory, but both were non-state entities involving proxy warfare. Sarkees and Wyman; Vinci; Prunier

of an entity that is not a member of the interstate system.”²²² Conceptual clarity eludes us for transnational conflicts have mutable interests, motivations, operational space, and outcomes.²²³

I conceptualise rebellions as organised, non-state, *armed struggles against constituted state authority*—regardless of how such [governmental] authority was constituted—to distinguish them from other “civil” wars. A rebellion is a *war* because it involves armed confrontation. However, some civil wars are not struggles against state governments but against other groups within the state’s territory, such as inter-ethnic conflicts or conflicts among competing rebel groups and proxies.²²⁴ In a rebellion, government forces fight to preserve the status-quo or protect the government; rebels fight to alter the status-quo, acquire some concessions from government, or replace government altogether. Their causes, success/failure, or transformation aside, I focus on their transnational dimension and the puzzling non-cooperation on them in the EAC.

Rebellions against EAC Partner States

Partner States of the EAC, save for Tanzania, have experienced rebel conflicts.²²⁵ The conflicts have shifted from the 20th to the 21st century. Besides the Mau Mau rebellion against British rule (1948-1956) and the irredentist Greater Somalia Movement (1960-64), Kenya faced the Sabot Movement for the Defence of Land (SMDL) in 2005. Presently, it suffers insecurity from the secessionist Mombasa Republican Council. The group is accused of terrorist attacks but claims to use nonviolence in its demands. Particularly, Burundi, Rwanda, and Uganda have suffered several rebellions.²²⁶ These conflicts transcend beleaguered states’ borders. Rebel

222 Sarkees and Wyman, p. 193 (my emphasis). When Uganda pursues the LRA and ADF in Sudan, DRC, and CAR, where they operate from, Sarkees and Wyman call this an extra-state war, yet they are Ugandan rebel-groups.

223 For instance, LRA and ADF have Sarkees-Wyman features of “intra-state war”; “extra-state wars”; and “non-state wars”, indicating difficulties of conceptualising armed conflicts in geopolitically complex security spaces.

224 Donald L. Horowitz, 1985. *Ethnic Groups in Conflict*. Berkeley and LA: University of California Press, pp. 95-185

225 Reyntjens; Prunier, *Africa’s World War*; Prunier, ‘Rebel movements and proxy warfare’.

226 Robert Gersonny, 1997. *The Anguish of Northern Uganda: Results of a Field-Based Assessment of the Civil Conflict in Northern Uganda*, Kampala: USAID Mission. The press reported: “Twenty eight different rebel groups have at different times been fighting the NRM [Ugandan] regime since 1986. Only the [LRA] and [ADF] are still operational.” *The Red Pepper*, Sept. 9, 2013 (from <http://www.redpepper.co.ug/amnesty-commission-m23-defectors-dont-qualify-for-amnesty-in-uganda/>, 10 Sept.)

groups traverse regions, acquire training grounds and safe havens in neighbours' mountainous and forested terrains, creating insecurity for and beyond home states²²⁷ (Appendix II).

Other rebel movements create linkages with, and fuel, other security threats like terrorism²²⁸, proliferation of SALWs, and piracy, because of their relationships with arms and illicit natural resources exploitation. Some groups have become internationalised military movements capable of defending themselves against the state in whose territory they illegally operate as does the LRA in Sudan, DRC, and Central African Republic.²²⁹ Others fuel international conflict through proxy warfare, refugees-related conflicts, and conflicts over their sanctuaries in neighbouring states.²³⁰ Operations across borders internationalise the insecurity which rebels otherwise create at home or create interstate insecurity through "intervention, externalisation, and unintended spillover effects".²³¹ Some rebel groups become parallel actors in international relations as states struggle to address this insecurity. This includes negotiating with rebels, as though with sovereign states, since no state can contain the group, and involving neighbours whose territories rebels use. Rebel movements become "alternatives to states' sovereignty authority" and transnational security threats.²³²

From a state-centric viewpoint, transnational rebel movements—whether or not they are proxies—erode their home state's internal sovereignty and that of neighbouring states. First, they illegally use neighbouring states' territories and resources, thereby negating the state's exclusive control over its people and resources within its territorial space. Second, they abduct and recruit states' citizens to fight wars outside their home country.²³³ This

227 Shaw.

228 Findley and Young

229 Ronald Atkinson, 2009. *From Uganda to the Congo and Beyond: Pursuing the Lord's Resistance Army*. New York: International Peace Institute; Vinci

230 Salehyan, 'The Delegation of War to Rebel Organizations'; Salehyan, 'The Externalities of Civil Strife; and 'No Shelter Here'.

231 Kristian Skrede Gleditsch, Idean Salehyan and Kenneth Schultz, 2008. 'Fighting at Home, Fighting Abroad: How Civil Wars Lead to International Disputes', *The Journal of Conflict Resolution*, 52 (4):479-506 (p. 479); Kenneth A. Schultz, 2010. 'The Enforcement Problem in Coercive Bargaining: Interstate Conflict over Rebel Support in Civil Wars.' *International Organization*, 64 (2):281-312

232 Vinci; Anne Clunan and Harold G Trinkunas, eds., 2010. *Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty*. Stanford, Ca: Stanford University Press

233 Consider *The Red Pepper's* report, Sept. 9, 2013, about Ugandans recruited in the M23 rebellion against the DRC

gives them illicit control over people. These violations erode the neighbouring state's meta-political authority: "The state's prime "function" has always been policing territory and people... The state's policing activities depend on its monopolization of the major organised means of violence within its territory."²³⁴ Transnational rebellions render this monopoly of violence, authoritative control over, and security for, a state's resources and people, impractical. States from whose territories transnational rebel groups operate, hide, or train, need not sanction such operations: they may fail to prevent this partly due to state weakness.²³⁵ This allows foreign rebel groups to recruit child soldiers, abduct civilians, and exploit natural resources to sustain their war. Some of these measures sustain Uganda's Alliance for Democratic Forces (ADF) and the LRA in South Sudan, CAR, and DRC; and Rwanda's *Peuple Arme pour la Liberation du Rwanda* (PALIR) and the *Forces Democratique de Liberation du Rwanda* (FDLR) in the DRC.²³⁶ This displays what I may call "multiple contestation of sovereignty".

Multiple contestation of sovereignty has three dimensions: first, by complicating states' "prime function" of "policing territory and people" with their access to instruments of violence, rebellions contradict states' "common interest in monopolizing coercion within their territories."²³⁷ They *effectively defy* ultimate political authority in a given territorial space (Bull's internal sovereignty). "Effective defiance of ultimate authority" here implies that while states strive to monopolise violence, have legitimate mandate to do so, rebel groups that *effectively* disobey by acquiring and using means of violence against their states and neighbours gainsay this "common interest". They do not succumb to any of these states—but can counterattack either of them. Second, via warlord practices, they expose limitations of state sovereignty beyond their home country. By creating operative bases, exploiting natural and human resources, creating security and economic costs of war to neighbouring states, and acquiring capabilities to oppose either state, rebels erode neighbouring states' meta-political authority.

²³⁴ Thomson, p. 225

²³⁵ Jeffrey Herbst, 2000. *States and Power in Africa: Comparative Lessons in Authority and Control*. Princeton NJ: Princeton University Press

²³⁶ Prunier, *Africa's World War*, p. viii

²³⁷ Thomson, p. 226

Third, rebel groups denude states: they expose discrepancies between juridical and operational sovereignty. This manifold challenge, then, is a *regionalised contestation of state sovereignty*. “Regionalised contestation of sovereignty” is a “*regional*” *feature of its* “multiple contestation.” It implies that transnational rebel groups that challenge both the home state and its neighbour’s internal sovereignty are not reducible to the home state but are regional war machines operating outside of, and parallel to, states *within the region*. This erodes states’ meta-political authority within geographically contiguous regions. All told, cooperation on rebellions is a judicious expectation if states are to address multiple/regionalised negation of their sovereignty.

Responses to Rebellions

Responses to rebellions affecting EAC states largely remain ***unilateral***. These include military actions, and peace talks or what Licklider calls “negotiated settlements.”²³⁸ Unilateral military solutions may end the war once rebels are defeated or they triumph over government. Unilateral success may also follow cessation of hostilities, conquest or subjugation, peace treaty, or co-optation of rebel fighters in national militaries as part of the political settlement of the conflict.²³⁹ Still, a unilateral military solution is difficult in transnational rebellions: neighbours must collude against rebel movements. Defeating an established government is also difficult. So, wars tend to become protracted, presenting extra drain on affected states’ resources. As the state’s unilateral measures become naught, cooperation with neighbours becomes necessary. Peace talks, for instance, have been less successful in Uganda partly because rebel groups have space for manoeuvrability whenever extruded from

238 Roy Licklider, 1995. ‘The Consequences of Negotiated Settlements in Civil Wars, 1945-1993.’ *The American Political Science Review*, 89 (3):681-690

239 Berenice A. Carroll, 1969. ‘How Wars End: An Analysis of Some Current Hypotheses.’ *Journal of Peace Research*, 6 (4):295-320

Uganda.²⁴⁰ Burundi ended the peace process in 1990s, only to be afflicted by new conflicts²⁴¹: an outbreak of war was reported in 2012. As the EAC is uninvolved in these endeavours, states use ad hoc arrangements.

Tripartite arrangements, such as those between Uganda, Rwanda, and DRC, are undertaken outside of the EAC arrangement. The first *extra-EAC* joint effort involved Uganda's and Rwanda's interventions in DRC (1998-2002) ostensibly against their respective rebel groups then using DRC territory. The DRC's territorial sovereignty was violated: first by rebels who operated within its territory; and later by neighbouring states that invaded its territory apparently in pursuit of these rebels. Since these interventions, EAC states' DRC-originated security fears were reduced not erased. New challenges emerged in the DRC—interstate confrontations, alliances, counter-alliances, and inter-alliance clashes—beyond this study. The DRC security situation became a complex continental affair. What had started as Rwanda's civil war in 1959 had plunged Africa into structural war, drawing in the broader international community. Reyntjens underscores this transformation from civil war to a “Great African War” or “Africa's World War”²⁴² indicating the potential metamorphosis of rebel conflicts in Africa.

The second arrangement against the LRA in the DRC and the CAR, involved joint operations between Uganda, South Sudan, and the DRC under “Operation Lightning Thunder”, 2008-2010. The LRA was not defeated. But it was extruded from the DRC to the CAR. Compared to previous interventions that led to “Africa's World War”, the Operation followed the DRC's consent and has both the AU and UN mandate.²⁴³ These were *extra-EAC* efforts because the DRC and South Sudan are not EAC partner states. This underscores the need to understand non-cooperation on rebellions in the EAC, and explain why partner states prefer such ad hoc measures.

240 Vinci; Ronald Atkinson, 2009 (Tue. 2 June). ‘Revisiting ‘Operation Lightning Thunder.’ Kampala: *The Independent* (from <http://www.independent.co.ug/index.php/column/insight/67-insight/1039-revisiting-operation-lightning-thunder->, accessed on 21 June 2012)

241 Central Intelligence Agency (CIA), 2012. *World Fact book: Burundi* (<https://www.cia.gov/library/publications/the-world-factbook/geos/by.html>, 21 June 2012)

242 Reyntjens; Prunier, *Africa's World War*

243 Atkinson, *From Uganda to the Congo and Beyond*.

Understanding Non-Cooperation on Rebellions in the EAC

This section briefly analyses the theoretical contention between cooperation and non-intervention thesis; the relative-absolute gains debate; and studies of security cooperation in Africa. If regionalism indicates international cooperation, simultaneous cooperation and non-cooperation within the same RO remains puzzling.

Cooperation Vs Non-Intervention

Neorealists accord Mitrany's "independence and decisionmaking autonomy" greater importance than other perspectives, though Mitrany stresses "functional co-determination", deviating from neorealists' emphasis on state autonomy. For neorealists, states fear that cooperation may violate their independent control over security affairs. States cannot trust ROs for security cooperation may violate states' autonomy over territorial/internal control. ROs may encourage intervention, thereby promoting instability. Preservation of "the sovereign-territorial state" as the international system's "most legitimate authority structure", and "adherence to the non-intervention norm", insulates the international community "from the threat of warfare caused by turmoil within states."²⁴⁴ Non-cooperation is thus vital for the preservation of sovereignty.

From this perspective, pro-regionalism arguments are inherently pro-intervention. They prefer ROs' functional roles to state autonomy and control. This may explain why, for instance, the OAU stressed non-intervention in its founding Charter.²⁴⁵ Non-interference prevents intervention practices that "may open a Pandora's box of undesirable interventions", such as foreign military involvement in civil conflicts, yet sovereign entities seek to "maintain order without the threat of external interference."²⁴⁶ Intervention may increase conflicts and humanitarian disasters by transforming the conflict from a civil to a transnational, interstate, or systemic one, as

244 Charles W. Kegley, Jr., Gregory A. Raymond, and Margaret G. Hermann, 1998. 'The Rise and Fall of the Non-intervention Norm: Some Correlates and Potential Consequences.' *Fletcher Forum of World Affairs*, 22 (1):81-101 (p. 95)

245 OAU, 1963. *Charter of the Organisation of African Unity*. Addis Ababa: OAU

246 Kegley, Jr, et al, p. 95

happened in “Africa’s World War”.²⁴⁷ Instead, the sovereign state should be shielded from external interference for it to police internal rebellion, maintain domestic order, and decide and implement security decisions.

Neorealists also blame “indirect intervention as a means of foreign policy” whereby intervening states act as proxies of more powerful states.²⁴⁸ Interveners violate the sovereignty of target states, creating incentives for future counter-intervention. This creates a spiral of conflicts that destabilise the state system. Accordingly, the system ought to respect the institutional principle of state sovereignty by upholding the UN principle of non-intervention, and disallowing ROs from intervening in states’ internal affairs. Cooperation on rebellions, then, would be tantamount to the EAC intervening in partner states’ domestic politics, for rebellions are rooted in domestic causes. By breeding undesirable future interventions, cooperation is potentially destabilising for it threatens core attributes of statehood: domestic self-rule, autonomy, and non-interference.²⁴⁹

However, norms and practices of non-intervention have been changing.²⁵⁰ Political and security reality may demand intervention. The state system may gain from intervention following high-level threats to global and regional stability, and/or close “proximity to the conflict area”.²⁵¹ Civilian displacement creates incentives for intervention as “security and humanitarian concerns trigger nation-specific responses.”²⁵² As Bull queries, “Is the gap between the rules of non-intervention and the facts of intervention now so vast that the former has become a mockery which it would be better to dispense with altogether, or does the proscription of intervention remain a vital part of the normative structure on which international order depends?”²⁵³ The question

247 Reyntjens; Prunier, *Africa’s World War*

248 Bertil Duner, 1981. ‘Proxy Intervention in Civil Wars.’ *Journal of Peace Research*.’ 18 (4):353-3661 (p. 353)

249 See: Hedly Bull, 1987. *Intervention in World Politics*, Clarendon Press; Richard J Vincent, 1992. *Nonintervention in International Order*. Princeton NJ: Princeton Univ Press; Gene M Lyons and Michael Mastanduno, eds., 1995. *Beyond Westphalia? State Sovereignty and International Intervention*. Baltimore: The Johns Hopkins University Press; Mark W Zacher, 2001. ‘The Territorial integrity Norm: International Boundaries and the Use of Force.’ *International Organization*, 55 (2):215-250

250 Kegley, Jr., et al; Jones et al

251 Vincenzo Bove and Leandro Elia, 2011. ‘Supplying Peace: Participation in and Troop Contribution to Peacekeeping Missions.’ *Journal of Peace Research*, 48 (6):699-714 (p. 699)

252 Bove and Elia, p. 699

253 Bull, *Intervention in World Politics*, in Kegly Jr, et al, p. 82

underscores the regularity of intervention in world politics. It shows states' tendency to gainsay the very principle that holds them as sovereign entities: non-intervention. But this does not necessarily imply that states like intervention but that they use it as one of the methods of statecraft.

Both pro- and anti-intervention analysts make normative prescriptions. Anti-intervention analysts blame external involvement in conflicts. Like proxy warfare analysts, they underrate rebel groups' potential to internationalise without external support. They also undervalue cooperative responses to transnational conflicts. In Africa, the AU realised that non-intervention is counterproductive amidst armed conflicts.²⁵⁴ Paradoxically, ROs are less enthused about cooperation on rebellions amid transnational dimensions of these wars.²⁵⁵ Likewise, while pro-intervention analysts believe intervention is desirable in some contexts, the norms of non-intervention and contradicting practices of intervention seem to co-exist as Bull argues. Practices like counterterrorism, sharing of intelligence, interdicting terrorist finances, and joint operations, reveal the limits of sovereign independence in similar manner as do interventionist operations to restore order in troubled states.²⁵⁶ This debate, thus, does not explain cooperation on some security issues and non-cooperation on rebellions in the EAC. Might the "gains debate"—the argument between relative and absolute gains theorists—help?

Relative vs. Absolute Gains and Non-Cooperation on Rebellions

Neorealists contend that cooperation is difficult because states are concerned with *relative*, not *absolute*, gains.²⁵⁷ According to Waltz, states faced with the need to cooperate for mutual gain would ask not whether they would gain from cooperation but which one of them would gain more: to avoid dependence, to control what they depend on, and to prevent other states from using their relative gains to destroy them.²⁵⁸ States exist in

254 Williams

255 Gleditsch, 'Transnational Dimensions of Civil War'.

256 Kegley, Jr, et al.

257 Powell.

258 Kenneth N Waltz, 1979. *Theory of International Politics*. Illinois: Weveland Press Inc., 104-6

self-help environs wherein interdependence breeds common vulnerability: “the high interdependence among states means that the states in question experience, or are subject to, the common vulnerability that common interdependence entails... States compete, but not by contributing their individual efforts to the joint production of goods for their mutual benefit.”²⁵⁹ For Grieco, “States in anarchy fear for their survival as independent actors”, and must give “serious attention to the gains of partners.”²⁶⁰ Given the constraints of enforcing commitments under anarchy—cheating is not punishable since the EAC is not a supra-state actor that can guarantee compliance—emphasis on self-reliance and *relative* gains concerns stymie cooperation.

In the EAC, for instance, concerns over who gains more from cooperation on transnational armed rebellions would be vital for understanding non-cooperation. The assisted state might gain at the expense of helping states: the former may gain improved security at the cost of the latter’s military, diplomatic, intelligence, and other costs. There is no assurance of reciprocal assistance in future. Yet, each state must fend for itself in a self-help environment. This is the basis of Grieco’s critique of liberal institutionalists’ insistence that anarchy does not pose difficulties for cooperation. But Grieco, like Waltz, does not envision possibilities for issue-area-specific cooperation, say more in economic than security affairs, as does Charles Lipson.

Lipson argues that differences in strategic constraints evoked by security and economic affairs explain why cooperation is easier in economic than in security affairs. Economic affairs are open and difficult to disguise while security issues are sensitive and involve a lot of secrecy.²⁶¹ Jervis shares the view that “unrestrained cooperation” in both security and non-security issues²⁶² can harm cooperating states. He adds that the prisoner’s dilemma dynamics of the two types of issues differ in four respects. First, security issues involve greater competition than non-security ones. Second, security behaviours lead to the same consequences: arms racing,

²⁵⁹ Waltz, 106-7

²⁶⁰ Joseph M Grieco, 1993. ‘Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism’, in Baldwin, *Neorealism and Neoliberalism*, pp. 116-135 (p. 118)

²⁶¹ Lipson

²⁶² Non-security issues may include: politics of trade, seabed exploitation, international communication

and subsequent threats to other states. Third, stakes are higher in security than in non-security issues since security concerns are more important than their non-security counterparts: states pursue other interests only when they are [already] assured of their security and survival.²⁶³ Security is very unforgiving for states: small acts of defection can lead to hugely ruinous consequences. Fourth, “detecting what others are doing and measuring one's own security are difficult” as states tend to keep their security developments in secrecy. Thus, the “primacy of security, its competitive nature, the unforgiving nature of the arena, and the uncertainty of how much security the state needs and has, all compound the prisoners’ dilemma and make it sharper than the problems that arise in most other areas” of cooperation.²⁶⁴

The foregoing synthesis indicates that cooperation presents less difficulty in non-security than in security issues. We can therefore explain the EAC’s emphasis on economic cooperation. It is easier for EAC states to form a customs union and common market, as they have done, than to cooperate on security affairs. It is easier to facilitate free movement of means of production under the common market, for instance, than to jointly address rebellions. Since Lipson and Jervis focus on conventional security threats, and not domestic-originated transnational security issues, their studies’ applicability to the EAC is limited.

In addition, contrary to neorealists’ emphasis on non-cooperation as a means of ensuring state survival, non-cooperation would leave states worse off. Neorealists admit that all states have the same interest: security and survival. Because fears for survival and security are directed at other states, non-cooperation is inimical to security and survival. It intensifies suspicion and exacerbates the security dilemma.²⁶⁵ The very secrecy with which states treat security issues generates suspicion, subsequently fear. This threatens states’ highly-coveted security, survival, and self-preservation. The logic of autonomous self-preservation and the logic of security

263 David A. Baldwin, 1995. ‘Security Studies and the End of the Cold War.’ *World Politics*, 48 (1):117-141

264 Jervis, ‘Security Regimes’, pp. 357-9

265 Hertz

competition and mutual threat become diametric opposites. Beyond these conventional security concerns, non-cooperation on rebellions in the EAC keeps states embroiled in insecurity as rebellions transnationalise. Instead, cooperation would guarantee their meta-political authority and ensure domestic and regional stability.

Stein argues that cooperation reduces dilemmas of common interest and of common aversion when regimes are put in place. Regimes are created “to deal with the collective suboptimality that can emerge from individual behaviour”, and to facilitate *collaboration* where the outcome is optimal to all parties (common interest), such as improved security. Likewise, the “common interest in avoiding a particular outcome”, such as security dilemma (common aversion), may lead to *coordination* when actors establish regimes that facilitate cooperation while upholding their rational calculations. Actors, then, institutionalise coordination and collaboration: they “recognise the importance of joint maximization” that cooperation engenders.²⁶⁶ Stein, like other rational choice theorists, joins neorealist emphasis on rational state behaviour, while challenging neorealists’ assumption that rational actors are too self-interested and self-centred to cooperate for mutual gain. He, therefore, elucidates the rationality of cooperation and the irrationality of non-cooperation. If EAC states cooperated on rebellions they would improve their respective domestic security while reducing transnational insecurity.

These viewpoints have implications for understanding security cooperation in the EAC: it is rational for states to cooperate on security issues, whose transnational security implications exacerbate multiple contestations of state sovereignty. Non-cooperation leaves states worse off than would cooperation: for instance, inattention to rebellions leads to the undesirable warlordism²⁶⁷ and other costs that destabilise regional security. This also hampers effective cooperation in non-security affairs. Why states forgo these benefits remains unexplained. It appears, there are dynamics of regionalism worth considering if we are to understand cooperation.

²⁶⁶ Stein, pp: 35-45 and 52

²⁶⁷ Kimberly Marten, 2007. ‘Warlordism in Comparative Perspective.’ *International Security*, 31 (3):41-73

According to Etel Solingen, regionalism is a function of the nature, relative strength, and distribution of domestic coalitions in a region. “Internationalist” coalitions are more favourable to regional cooperation than *statist-nationalist* and *confessionalist* coalitions.²⁶⁸ The former foster cooperation with other [similar] coalitions. They neutralise anti-cooperation coalitions both at home and in other countries possibly through internationalist *coalition synergy*. This assumes dual convergence: of political and economic interests among ruling coalitions within the region; and of relative strength of internationalist coalitions. Solingen’s model might apply across regions. But it does not problematise coalition decisions. It only assumes that ruling coalitions are either pro-regionalism and cooperation takes place, or they are anti-regionalism and cooperation does not arise; instead interstate conflicts may erupt. Because the nature and relative strength of [both ruling and opposition] coalitions within and across countries influence coalitions’ grand strategies, there are simultaneous internal and external influences on coalition grand strategy.²⁶⁹ From this viewpoint, regional integration in East Africa indicates that internationalist coalitions in the region: (i) are prevalent; (ii) are relatively stronger than statist-nationalist and confessionalist ones; and (iii) have forged at least a minimum of internationalist-coalition synergy. Where insecurity prevails, we expect these coalitions to cooperate. The EAC’s observed cooperation on some security issues and non-cooperation on rebellions eludes her otherwise compelling argument. This inadequacy also afflicts area-specific studies that examine security cooperation in Africa.²⁷⁰

Inadequacies of Studies on Security Cooperation in Africa

Most studies of security cooperation in Africa focus on AU-level measures that are regionalised to ROs for implementation. AU-level efforts operate at a point of low politics where it is easy to reach agreement, in line

²⁶⁸ Solingen, *Regional Orders at Century’s Dawn*.

²⁶⁹ Solingen

²⁷⁰ AU, APSA Assessment Study; AU, 2008. *Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa*. Addis Ababa: AU

with McComick's reasoning.²⁷¹ Tavares analyses Africa's security landscape. He views security as "a state permitted by the absence of threats."²⁷² He does not address "intra-regional threats and violence" rooted in intrastate armed conflicts that lead to regional insecurity. His focus on "securitisation" of interstate relations within and beyond the region makes his analysis less applicable to the EAC.²⁷³ He prescribes an analysis of "the complexities of each regional cluster", composed of several factors: "*agents*", "*instruments*", "*security and conflict patterns*", and "*level of integration*".²⁷⁴ In the context of ROs, the "*level of integration*" perhaps measures RO centralisation and autonomy, institutions, and formal cooperation.

If institutions were the measure, for instance, ASEAN's non-institutionalised approach to security, especially emphasis on informal conflict resolution practices, would indicate looseness of integration.²⁷⁵ Possibly, we consider RO centralisation and autonomy in line with Abbot and Snidal. We may hold that "by taking the advantages of the centralisation and independence of IOs, states are able to achieve goals that they cannot accomplish on a decentralised basis."²⁷⁶ If we consider decision-making procedures, then Haftel and Thomson's view that consensus decision-making is meant to protect state sovereignty, implies loose integration in the EAC where decision making follows consensus.²⁷⁷ Consensus might have been intended to stymie EAC autonomy that might erode state autonomy: "Many States... now resist the creation of IOs and hesitate to support those already in operation, citing the shortcomings of international bureaucracy, the costs of formal organization, and *the irritations of IO autonomy*."²⁷⁸ If IOs facilitate intervention by issuing "legally binding decisions with the

271 James M. McCormick, 1980. 'Intergovernmental Organizations and Cooperation among Nations.' *International Studies Quarterly*, 24 (1):75-98

272 Rodrigo Tavares, 2009. 'Regional Clustering of Peace and Security.' *Global Change, Peace & Security*, 21 (2):153-164 (p. 156)

273 Rodrigo Tavares, 2008. 'Understanding Regional Peace and Security: A Framework for Analysis.' *Contemporary Politics*, 14 (2):107-127.

274 See: Tavares, 'Understanding Regional Peace and Security', on Agents; Instruments; Security pattern; Conflict pattern; Positive peace pattern; and level of regional integration.

275 Amitav Acharya, 1992. 'Regional Military-Security Cooperation in the Third World: A Conceptual Analysis of the Relevance and Limitations of ASEAN.' *Journal of Peace Research*, 29 (1):7-21

276 Abbot and Snidal, p. 29

277 EAC, Protocol on Decision Making; Haftel and Thomson, p. 270

278 Abbot and Snidal, p. 5, my emphasis

consent of all parties”²⁷⁹, how do we test Tavares’ *looseness* and *depth* of integration and decision making? Perhaps we use Solingen’s thesis: coalition grand-strategising and inter-coalition alliances across countries.²⁸⁰

Alliances between a ruling internationalist coalition in one state and a non-ruling one in another would equal intervention in domestic affairs: for Solingen, ruling coalitions’ grand strategies become the *raison d’être* at any given time. This contradicts analysts like Kasule, who, unlike Tavares and Nathan, almost separates elites’ from national/states’ interests.²⁸¹ Elites constitute coalitions. Coalition alliances that Solingen suggests disagree with non-intervention analysts like Vincent who would view transnational alliance formations as interferences in other states’ domestic affairs.²⁸² Solingen’s view that ruling coalitions’ grand strategies form states’ foreign policies becomes contentious: analytically, it combines ruling-elites’ with states’ interests while intellectually confronting anti-intervention analysts and practitioners. Inter-coalition alliance formation to promote cooperation becomes a foreign policy objective when one coalition is ruling. Thus, the state in which an internationalist coalition rules meddles in its neighbour’s internal affairs to strengthen similar coalitions. This cyclic debate indicates that applying Tavares’ model to understand the myriad factors that influence regional security cooperation remains difficult in a single framework. The concepts might be stretched. Measurement is rendered difficult. Agency remains elusive. It is difficult to concurrently address different levels (structures) and units (actors) of analysis, tangible (troop deployment) and intangible (norms) evidence in one framework. Tavares does not provide a model for understanding states’ responses/non-responses to transnational security issues.

Other studies of security cooperation in Africa reveal rebellions’ transnational dimensions but do not sufficiently analyse cooperation on these security issues. While some African states jointly respond to intra-state insecurity;

279 Abbot and Snidal, p. 22

280 Solingen, *Regional Orders at Century’s Dawn*

281 Ssebunya-Kasule; Tavares, ‘The Participation of SADC and ECOWAS in Military Operations’; Laurie Nathan, 2006. ‘SADC’s Uncommon Approach to Common Security, 1992-2003.’ *Journal of Southern African Studies*, 32 (3):605-622

282 Vincent, *Nonintervention and International Order*

while AU member-states agreed to support peacekeeping and humanitarian interventions, limitations remain.²⁸³ The resulting regional cooperation frameworks reflect the principle of subsidiarity, which informs delegation of state authority to international organisations at different levels since the UN accepted regionalism as a crucial component of global governance.²⁸⁴ This principle has been adopted in Africa as the AU allows ROs the mandate to address issues that are closer to them: the assumption is that members of ROs within Africa's regions have close-knit relations and shared destinies which can be reached through interdependence. Within this framework, the AU shared with ROs the task of managing Africa's various challenges, hence the decentralisation of the APSA's implementation to Regional Standby Brigades that constitute the African Standby Force (ASF). This reflects provision of "regional public goods" by ROs working with more international organisations and with member states. Regionalisation of public goods provisioning assumes that intra-regional public goods can be viewed as "club public goods" which face less collective action problems: here "Subsidiarity indicates that the decision-making jurisdiction should coincide with a public good's region of spillovers."²⁸⁵

From Sandler's viewpoint, "unlike the other security threats, civil wars can, at times, be addressed at the regional level" when the peacekeeping country must bring peace "without pursuing its own agenda and gain"; when the region has "a capable peacekeeping country or a sufficiently strong alliance to bring peace"; and when regional peacekeeping is economically more viable than broader involvements, such as the UN.²⁸⁶ This emphasis on regional security governance allows states within a region to create norms and practices that protect their individuality, sovereignty, and autonomy from excessive external influence or to localise global norms, such as

283 Issaka K. Souaré, 2009. *The AU and the challenge of unconstitutional changes of government in Africa*, ISS Paper 197 (August): 1-16. Pretoria: ISS; Clement E. Adibe, 1997. 'The Liberian Conflict and the ECOWAS-UN Partnership.' *Third World Quarterly*, 18 (3):471-488; Franke; De Waal; Boulden; Funmi Olonisakin, 2011. 'ECOWAS: From Economic Integration to Peace-building', in Jaye, Garuba, and Amadi, pp 11-26

284 Young, *Governance in World Affairs*; Andy Knight and Randolph B. Persaud, 2001. 'Subsidiarity, Regional Governance, and Caribbean Security.' *Latin American Politics and Society*, 43 (1):29-56; Nielson and Tierney, 'Delegation to International Organisations'; Edwin M Smith, and Thomas G Weiss, 1997. 'UN task-sharing: Towards or away from global governance?' *Third World Quarterly*, 18 (3):595-619; Peter Anyang Nyong'O. 2014. 'Governance in Africa: Challenges for the next 50 years'. *Development*, 56 (3):308-314

285 Todd Sandler, 2006. 'Regional public goods and international organizations', *Review of International Organisations*, 1: 5-25 (p. 6)

286 Ibid, p. 20

sovereignty, to preserve their autonomy.²⁸⁷ This may appear as though the shift in Africa “from non-intervention to non-indifference”²⁸⁸ contradicts this principle, but in practice it facilitates subsidiarity by providing ROs with the mandate to decide and implement their decisions while also preserving their member states’ sovereign prerogatives. Some analysts believe this shift resulted from Africa’s disillusionment with the international community,²⁸⁹ and envision progress in regional security measures in the continent.²⁹⁰ Emphasis on African responses has underlined the institutional evolution of an African security regime that stresses non-indifference, creation of African-wide security institutions, and decentralisation of the APSA into regional brigades.²⁹¹

These changes were fuelled by post-Cold War international apathy to insecurity in Africa. Touray argues that these conditions “brought home to African leaders the imperatives of self-reliance and allowed them for the first time to see sufficient gains in collective security to adopt the Common African Defence and Security Policy with considerable ease.”²⁹² He argues that this Policy seeks to resolve conflicts through preventive diplomacy and rapid interventions in conflict zones. As most conflicts are transnational, they require “transgovernmental” approaches.²⁹³ Franke opines that the APSA offers “important insights for a theoretical reappraisal of inter-state security cooperation” in Africa, which may apply to “the developing world in general.”²⁹⁴

Contrary to Touray and Franke’s optimism, de Waal examines the nature of the state and its role in Africa’s security regionalism. He blames the patrimonial state for limitations in peace operations. Due to patrimonialism, “international peace engagement efforts become enmeshed in that marketplace” of patrimonial politics. The efforts are “at a disadvantage because peacemakers and peacekeepers are neither well attuned to the rules of

287 Amitav Acharya, 2011. ‘Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism, and Rule-Making in the Third World’. *International Studies Quarterly*, 55: 95–123

288 Williams

289 Bah

290 Jones et al; Franke

291 Williams; Touray; Franke

292 Touray, p. 637

293 Ersel Aydinli and Hasan Yön, 2011. ‘Transgovernmentalism Meets Security: Police Liaison Officers, Terrorism, and Statist Transnationalism’, *Governance: An International Journal of Policy, Administration, and Institutions*, 24 (1):55–84

294 Franke, p. 85

the marketplace nor highly skilful in operating there.”²⁹⁵ Patrimonialism erodes domestic efficiency and regional institutional efficiency: domestic political corruption translates to regional politico-security inefficiency. He studies cooperation efficiency, not why states agree to cooperate on some issues and not others, the efficiency of the resulting cooperation aside. Non-cooperation on rebellions contradicts scholarly optimism on Africa’s security cooperation measures and requires an explanation addressing different security issues.

The nature-of-the-state thesis builds on Herbst’s theory of state development in Africa which claims that African states have historically had problems of projecting power and effectively controlling their domains. Despite colonialism, Herbst claims, states’ limited control is rooted in geographical complexity, under-population, and limited infrastructure development, and has haunted African rulers before, during, and after colonialism.²⁹⁶ Herbst does not historicise Africa’s under-population, its depopulation during centuries of slave trade, and the colonial distortions that disrupted precolonial states in areas like Rwanda, Ghana, Buganda, and Bunyoro.²⁹⁷ At the same time he assumes that there are states which have become so sovereign that there is a clear threshold at which we can call some states more “sovereign” and others less sovereign/un-sovereign, hence joining other analysts whose adjectives—“weak”, “failed”, “failing”, “collapsed”, “tense, deeply conflicted, dangerous, and bitterly contested”, etc—have informed intellectual conversations on the African state.²⁹⁸ These analyses pay leap attention to the state’s nature across time and space—as a contested socio-political domain, a domain of political contestation and competition both within and between states as Schmitter argues. And none seems to properly distinguish contests against the state and those within the state as a form of political organisation in which struggles—armed and unarmed—for access to state power and resources ought to be conceptually, analytically, and empirically separated from those against the state as a superstructural political arrangement.

295 De Waal, p. 99

296 Herbst, *States and Power in Africa*; Robinson.

297 Walter Rodney, 1973. *How Europe Underdeveloped Africa*. Dar es Salaam: Bogle-L'Ouverture Tanzania Publishing House

298 Robert I. Rotberg, ed., 2003. *When States Fail: Causes and Consequences*. Princeton NJ: Princeton University Press; Robert I Rotberg, 2002. ‘The New Nature of Nation-State Failure’. *The Washington Quarterly*, 35 (3):85-96

Due to the foregoing conceptual, ontological, epistemological, and methodological limitations, armed political struggles for state power are conflated with anti-state struggles. Anti-government struggles are subsumed within the broad rubric of anti-state melees. This challenge seems to afflict political scientists for they are imbued with normative, ideological, area-centric and other biases even as they claim to have reached conceptual agreement on what the state is and is not. Yet, armed struggles anywhere in Africa and in other countries have resulted not in attempts to erase the state and replace it with some other different form of socio-political organisation or with anarchy. Instead, they are aimed at, and result in the creation of, new states, following secession; and/or new state leaders, following regime collapse. I argue that it is not the strength or weakness of the state alone that informs cooperation decisions but also what the state estimates as potential costs and benefits of cooperating on any given security issue. It is also important to avoid assuming all struggles as anti-state whether or not the state manages to quash them. The state has always claimed—but never fully acquired—monopoly of violence but this failure has not stopped the state from *being the state*.²⁹⁹ Thus, what scholars characterise as “nature of the state” are actually degrees of operational sovereignty as I conceptualise it in Chapter 3 or differences in governance effectiveness. They are not ontological differences.

A different version of the “nature-of-state thesis” looks inside of the state and considers governance failures, such as limited controls, limitations in the provision of political goods, and political corruption, as important variables in understanding the complexity of security cooperation in Africa. This approach argues that the African state is patrimonial and under-institutionalised. It is ripe with political corruption. Patrimonialism cripples domestic institutional development, translating into regional inefficiency. This renders it difficult for African states within a region to collectively address salient security challenges facing them.³⁰⁰ In this environment, political leaders only decide to take part in international security frameworks either to bolster their regimes in power with

299 Thomson
300 De Waal.

external resources supporting such missions, or to divert potential domestic conflicts within their security forces and between the political and military-security institutions.³⁰¹ Here the struggling state, its ruling elites, and its national interests are conflated in a strange conceptual, analytic, and empirical mix-up.

Besides, emphasis is placed on narrow sectional intentions and interests, and on effectiveness of cooperation, not on why and how such cooperation arises and the foundational motives guiding states' choices to cooperate on some and not other issues, in some and not other countries. An interesting conception of the "nature of the state" is in Tonwe and Eke's "state fragility" thesis used to explain the emergence of radical Islamism, in Nigeria, known as Boko Haram. According to their thesis, the Nigerian state structure is responsible "for the deepening insecurity in the country", for the state was "seen as willing to sacrifice the well-being of the many for the benefit of a few". This "state fragility" erodes the state's capacity to effectively provide political goods for its impoverished north, thereby breeding mass unemployment and extreme poverty that have fanned Boko Haram.³⁰²

Though Tonwe and Eke do not address security cooperation their analysis of Nigeria's extant security crisis falls within the broad conception of the African state as "fragile", "weak", "patrimonial", 'incompetent'. These alluring adjectival phrases are analytically less helpful for understanding the complexities of security cooperation in Africa, let alone account for attempts and successes of ECOWAS during the 1990s and the current strides made against the al-Shabaab in Somalia under the AMISOM. Surely, some African states that are equally afflicted with poverty and unemployment like Nigeria do not experience Boko Haram-like terrorism. Thus, if we agreed that the nature of the state is a key variable here we might want to ask why this same "nature" gives in to cooperative bargains on some security issues but stymies cooperation on others. This should help us to understand what it is about the state that leads to different behaviours toward different security issues. Important

301 Fisher; Nathan

302 Daniel A. Tonwe & Surulola J. Eke, 2013. 'State fragility and violent uprisings in Nigeria: The case of Boko Haram'. *African Security Review*, 22 (4):232-243

variations remain unexplained. This begets two problems: first, a presumption that states *should* look and act in a similar manner domestically and internationally; second, an appealing moral bias toward judging states as though they are imbued with 'philanthropic' objectives which *should* create incentives for managing public affairs in a 'good' or 'publicly desirable' way. In this conception, state legitimacy, state capacity and capability, and states' decisional autonomy are both conflated and watered down in a judgemental analytic framework that appeals to our normative-emotional expectations regarding state actions and choices. Attention shifts from considering different security problems that states face, from how states judge and respond to the need to cooperate on these issues, and the basis of incentives and disincentives for cooperation/against cooperation. Attention, instead, focuses on how the goodness/badness of state rule and its developmental promise translates into security cooperation outcomes at regional-international level.

Even if we considered that the nature of the state creates competing/different state interests as the basis for understanding states' cooperation choices, as Tavares does³⁰³, we need to explain why interests converge on some security issues and diverge on others. Here comes a problem: the nature of the state in Africa is not the same and not from the same origins—some states are weak, others strong; some face more internal conflicts than others; some are more militarised than others; some are more interested in the continuation or resolution of conflicts in other states than others, etc. For instance, it may appeal to ordinary observation that Uganda and Rwanda are more militarised than Tanzania and Kenya because these states took different trajectories during post-coloniality: where Tanzania de-militarised Uganda militarised; where Kenya contained its ethno-political conflicts, Rwanda's ethno-politics metamorphosed into civil and transnational armed conflicts.

Apparently, these different trajectories created structural differences in the [domestic] natures of these states, hence difficulties of cooperation on transnational armed rebellions, as more militarised states believe in military

303 Rodrigo. 'The Participation of SADC and ECOWAS in Military Operations'.

solutions to their armed conflicts more than their non-militarised neighbours.³⁰⁴ For instance, one might argue that on other security issues Rwanda cooperates with Tanzania, but on its rebel groups based in eastern DRC Rwanda becomes cagey and the two countries conflict. Is this a result of the different trajectories of these states—Rwanda’s experience of ethno-political violence and the 1994 genocide as opposed to Tanzania’s peaceful internal security—or of differences between their leaders on how to resolve these conflicts?³⁰⁵ In other words, what is/are the key independent variable(s) here: competing national interests between Rwanda and Tanzania? Elite conflicts between Presidents Kagame and Kikwete? Different natures of these states (even as both are weak in providing political goods and developing their economies and face ethnic differences)? It is difficult to derive a variable with compelling promise in both Tanzania and Rwanda that can help us to explain non-cooperation on armed rebellions unless attention shifts away from these kinds of analyses.

Relate the above to state interests: if “the complex relations that exist among the main actors of the [Congo] conflict (Uganda, Rwanda and the DRC) and their alleged strategic interests stand as a formidable impediment to any speedy resolution” because of mistrust and credibility questions³⁰⁶ is this a question of the nature of the state? Of competing national interests? Of elite interests? Again, if some states more equitably distribute political goods than others—following the Tonwe-Eke line of argument—then differences between natures of states become endless, making the nature of the state variable intractable. I argue that it is because states conceive of armed rebellions as critical-sovereignty issues that differ from other security issues, which are less attached to the stateness of the state, that states show more readiness to cooperate on other security issues and less on rebel conflicts. This is observable in most states whether or not they face these conflicts.

304 See, e.g.: Ali A. Mazrui, 1968. ‘Anti-Militarism and Political Militancy in Tanzania’. *The Journal of Conflict Resolution*, 12 (3):269-284; Sebastiano Rwengabo, 2014. ‘The Dark Side of Diasporas in Africa’s Great Lakes Region.’ In Sadananda Sahoo and B.K. Pattanaik, eds. *Global Diasporas and Development: Socioeconomic, Cultural, and Policy Perspectives*. Delhi: Springer, pp. 283-304

305 Naomi Kok, 2013. ‘The International Conference on the Great Lakes Region: Does Angola’s Chairmanship bring Hope, or Is the Region about to Devour Itself?’ *African Security Review*, 22 (4):277-281

306 Kok, pp. 278-9

Studies that consider domestic factors, such as de Waal; and institutional forces, such as Bah, hardly link their analyses with issue-specific cooperation and non-cooperation. They rely on conventions but hardly examine the factors that influence cooperation agendas and practices that follow. The reasoning is that the AU's security framework, which uses "Regional Brigades" as operational rapid responses, seeks to address Africa's security concerns through regional measures.³⁰⁷ However, there are constraints to operationalising the AU's security framework at regional and continental levels³⁰⁸ even when more in-depth region-level analyses are needed. One assumption seems to inform these analyses: namely, that "international organizations provide the conditions conducive to greater cooperation and interdependence among nations", and that "such common organizational ties set in motion forces that produce cooperative interstate behaviour in areas not originally envisioned by the organizational tasks."³⁰⁹ There are differences in interstate cooperation among various types of organisations.

ROs, argues McCormick, are characterised by high politics unlike more inclusive IOs like the AU. Low politics in IOs facilitates cooperation. High politics in ROs inhibits cooperation. Hence, "technical, noncontroversial issues (issues usually discussed in low politics organizations) are more likely to result in cooperative responses among the participants."³¹⁰ This perhaps explains why states easily design AU-level security conventions but have difficulty implementing them at regional level. His findings that states' national attributes "were not very useful in discriminating among levels of cooperation", and that ROs produce lower levels of cooperation as they handle issues of high politics, contrast Solingen, Nathan, and de Waal³¹¹, reinforce analyses that promote "a less cynical view of inter-African security cooperation"³¹², but reveal the influence of high politics in form of aversion to external interference within ROs. Franke believes that security cooperation in Africa is not inimical

307 AU, 2010. *The African Peace And Security Architecture*. Addis Ababa: African Union Security Council (accessed from <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/RO%20African%20Peace%20and%20Security%20Architecture.pdf>, 4 February 2013);

308 Vines, p. 109

309 McCormick, p.86

310 Ibid, p. 86

311 McCormick, pp. 91-2

312 Franke

to state sovereignty.³¹³ But new evidence shows that African states “have no great desire for an assertive political and security cooperation” framework that threatens their meta-political authority.³¹⁴ If this observation is taken seriously we realise that security cooperation decisions are rooted in state sovereignty. Yet unless we theorise sovereignty and turn it into an analytic category we are left with little more than taking it as natural and hence unable to empirically demonstrate its independent influence on security cooperation outcomes.

There are few studies on the EAC. Recent analyses hardly examine the nexus between McCormick’s “high politics” and security cooperation in the RO.³¹⁵ Studies on security cooperation describe counterterrorism measures, control of SALWs proliferation, and the security-development nexus.³¹⁶ They do not examine the “high politics” that may inform cooperation on some and non-cooperation on other issues. I believe high politics is rooted in state sovereignty. Kasule investigates political issues but does not address security cooperation. His thesis supplements Claude’s view that IOs “are fashioned by states as instruments for their own use and [that] the measure of their flourishing are in the degree to which States find them usable and useful to their purposes.”³¹⁷ He agrees with Tavares that national interests, more than humanitarian concerns, influence ECOWAS and SADC states’ participation in military operations; and perhaps with Nathan’s view that SADC’s difficulty of creating a common security regime results from sovereignty concerns, among other causes.³¹⁸ The EAC’s security measures, therefore, require lenses of analysis that pay close attention to sovereignty.

It appears, from the foregoing, that incentives and/or disincentives for cooperation arise from the dynamics of cooperation among sovereign states. It is rooted in sovereign entities’ struggle to handle the dilemma of cooperation for mutual again and the preservation of their sovereign-ness, to harmonise independence with

313 Franke, p. 85-6

314 International Crisis Group, 2012. *Implementing Peace and Security Architecture (I): Central Africa Crisis Group Africa Report N°181* (7 November 2011), p. ii

315 Bachmann & Sidaway; Kasule; Katabaazi.

316 Okumu; Aning; Finlay, Bergen and Tessler; Chikwanha.

317 Claude, Jr., p.16

318 Tavares; Nathan. Others challenges include: absence of common values among states, and state weaknesses.

interdependence. As sovereignty transcends coalition grand strategising, elite interests, and constitutes “high politics” within ROs, it may help address the paradox of security cooperation and non-cooperation. States that fear the sovereignty-eroding mandates of ROs wish to avoid “prompting national desires” for regional solutions to their respective national problems when sovereignty is at issue.³¹⁹ Thus, sovereignty interests should be analysed by delineating various aspects of sovereignty and their influence on states’ cooperation decisions.

Unexplained Issues: The Analytical Value of Sovereignty

The contentious relationship between state sovereignty and security cooperation is acknowledged in the cooperation literature which underscores the challenge of cooperation under anarchy.³²⁰ But state sovereignty’s independent influence on differential issue-specific cooperation remains unexamined especially with reference to regionalism in Africa. This leaves theoretical, empirical, and contextual gaps in the literature on regionalism and security cooperation in Africa. Most studies reviewed do not theorise sovereignty. Ironically, most admit sovereignty’s influence in states’ cooperation-related decisions. It seems states’ elusive security behaviours within ROs indicate McCormick’s “high politics”, which is rooted in state sovereignty for it revolves round states’ “meta-political authority”.³²¹ Krasner conceptualises sovereignty as *international-legal* (juridical); *territorial*; and *Westphalian/Vattelien*.³²² Juridical sovereignty presupposes mutual recognition among states.³²³

Co-recognition precedes cooperation: “When states recognize each other’s sovereignty as a right then we can speak of sovereignty not only as a property of individual states, but as an institution shared by many

319 Anne Hammerstad, 2005. ‘Domestic Threats, Regional Solutions? The Challenge of Security Integration in Southern Africa.’ *Review of International Studies*, 31 (1):69-87

320 Oye, ‘Explaining Cooperation under Anarchy’; Robert Axelrod and Robert O Keohane, 1985. ‘Achieving Cooperation Under Anarchy: Strategies and Institutions.’ *World Politics*, 38 (1):226-254

321 Thomson, p. 224-227

322 Stephen Krasner, 1993. ‘Westphalia and All That’, in Judith Goldstein and Robert Keohane (eds.), *Ideas and Foreign Policy: Beliefs, Institutions and Political Change*. Cornell: Cornell University Press, pp. 235-264.

323 John Gerard Ruggie, 1993. ‘Territoriality and Beyond: Problematising Modernity in International Relations.’ *International Organization*, 47 (1):139-174 (p. 162)

states.”³²⁴ Territorial and Westphalian sovereignty combined constitute internal sovereignty: Westphalian sovereignty is the view that states should determine their domestic authority structures without interference; territoriality implies inviolability of state boundaries within which states’ control functions, including monopoly of violence, are exercised.³²⁵ Authoritative control revolves around what I call “authority structures”—state agencies and their institutional mandate to govern. States use these authority structures, which embody states’ sovereign authority, to control their domains, though internal sovereignty is not absolute; its degree varying with states.³²⁶ This variation does not indicate that states always compromise their sovereignty in order to cooperate. Because cooperation takes place among sovereign entities, sovereignty exerts influence on cooperation in ROs.

Why states working through ROs cooperate on some security issues and not others, why EAC partner states eschew cooperation on transnational armed rebellions yet they cooperate on other transnational security issues, remains unclear. Since state sovereignty’s influence upon security cooperation outcomes remains less well examined, understanding its influence on security cooperation may help us uncover the political-sovereignty concerns and processes that inform security cooperation in the EAC. “Sovereignty can be seen as a ‘focal point’... around which expectations naturally converge, which reduces uncertainty in the face of multiple equilibria, and enables states to coordinate their actions on mutually beneficial outcomes”. Thus, sovereignty exerts a powerful “causal or regulative effect on states”.³²⁷ To derive this independent influence of sovereignty, we need to theorise state sovereignty. Chapter 3 develops a theoretical framework for understanding the relationship between sovereignty concerns and security cooperation and non-cooperation in the EAC.

324 Wendt, *Social Theory of International Politics*, p. 280

325 Hedley Bull, 1977. *The Anarchical Society: A Study of Order in World Politics*. New York: Columbia University Press, p.8

326 Thomson. Rebels, criminals, and more, may challenge states’ internal sovereignty without states losing sovereign existence

327 Wendt, p. 287

CHAPTER THREE

SOVEREIGNTY CONCERNS, SOVEREIGNTY BARGAINS, AND SECURITY COOPERATION

Overview

In this study, I theorise the connection between Sovereignty Concerns (SCs) and security cooperation among states operating in regional intergovernmental organisations (ROs), focusing empirically on the East African Community (EAC). I show that SCs shape the scope and nature of regional security cooperation by influencing which security issues are put on a regional security agenda and the process of obtaining agreement on cooperation practices relating to the issues on the agenda. My primary argument is that SCs give rise to a process of engagement among states that I call “sovereignty bargaining.” This is a distinct type of international bargaining in which the bargaining techniques are shaped by the nature or intensity of SCs. These bargains, in turn, determine whether or not a security issue is included on the RO’s security agenda and agreement obtained on the cooperation practices relating to that issue.

Sovereignty Concerns are fears over the potential erosion of states’ sovereign powers in the process of trying to cooperate on the given issues. SCs vary in intensity with different security issues and generate different bargaining techniques for each category of issues. I develop a taxonomy of SCs as ranging from “High-Level” to “Low-Level”, with “Intermediate” in-between. Each level generates a different bargaining strategy, which determines whether states cooperate on that security issue or eschew cooperation on it—whether or not the given security issue is included on a common security agenda and cooperation agreement obtained on appropriate cooperation practices relating to the issue.

At the highest level, SCs engender “non-bargaining” strategies that prevent interstate engagements that would result in cooperation on the given security issues. Conversely, at the lowest intensity, low-level SCs engender

“normal bargaining” that leads to negotiated consensus on the given security issues, hence cooperation. This viewpoint builds on Litfin’s argument that international cooperation involves sovereignty bargaining. She argues that states engage in sovereignty bargains because they are aware that cooperation has potential implications for their sovereign autonomy, control, and legitimacy.³²⁸ I share her emphasis on the salience of sovereignty bargains in international cooperation. I trace the different sovereignty bargaining techniques from different levels of SCs. These bargains produce different cooperation outcomes on different security issues, hence cooperation on some and non-cooperation on other issues. I tabulate this theoretical argument below:

Table 3: Sovereignty Concerns, Sovereignty Bargains, and Security Cooperation

Sovereignty Concerns (IV)	Bargaining Techniques	Cooperation (DV) (agreement, cooperation practices)
High-Level	Non-bargains: opposition, silence	Issue Exclusion from the common agenda: Non-cooperation
Intermediate	Protracted Bargaining	Postponement: Delayed Agreement - Uncertainty about the future of Cooperation
Low-Level	Normal Bargaining/Negotiations	Consensus – Issue Inclusion on Common Agenda: Cooperation

Table 3 indicates that SCs (Independent Variable: IV) vary at three levels. Each level of intensity generates an appropriate bargaining strategy. The different bargains result in different cooperation outcomes (Dependent Variable: DV). High-level SCs engender *non-bargaining* strategies like *opposition* to pro-cooperation demands and *silence* about the given security issues. Non-bargains stymie cooperation on the given issues. Intermediate SCs engender *protracted bargains* which make it difficult for states to jointly decide on the cooperation

³²⁸ Litfin, ‘Sovereignty in World Ecopolitics’; Mattli, “Sovereignty Bargains in Regional Integration”.

agreement's content and its implementation.³²⁹ Low-level SCs engender *normal bargains* that lead to negotiated consensus on the agreement and its implementation. Within the same RO we can observe both low-level and high-level SCs, normal and non-bargaining strategies, and the resulting cooperation and non-cooperation. As I show in chapter 4, the levels of SCs vary with different security issues that evoke them.

That different sovereignty bargains lead to different cooperation outcomes is a powerful way for explaining simultaneous cooperation and non-cooperation on different security issues in the same RO. Sovereignty bargains are vital because in international politics, states decide whether or not to cooperate on any issue by considering their choices' implications for states' sovereign rights. In security affairs, sovereignty bargains are necessary for addressing the sovereignty constraints that might result from security cooperation.³³⁰ Sovereignty bargains are rooted in SCs. I appreciate other possible concerns that may inform interstate bargaining, like economic prosperity or ideology. I stress SCs because: first, they have received less attention in scholarly analyses of security cooperation. Second, SCs provide a starting point for thinking about how the operational aspects of state sovereignty influence state behaviour. Finally, the causal association between SCs and security cooperation/non-cooperation in the EAC is empirically demonstrable.³³¹

I unfold the logic of this argument in three sections. First, I clarify the concept of sovereignty and specify the independent variable: SCs. I show the different intensities of SCs states express when faced with the need to cooperate on different issues. These SCs are concerns about the fate of a state's operational—not juridical—sovereignty. Second, I identify the bargaining strategies each level of SCs generates. I show that different bargains lead to different cooperation outcomes. Finally, I briefly outline the security cooperation outcomes that

329 Fearon, 'Bargaining, Enforcement and International Cooperation'.

330 Lipson, 'International Cooperation in Economic and Security Affairs'; Waltz, *Theory of International Politics*; Jervis, 'Security Regimes'.

331 I make no normative judgement about preferences, and do not account for cultural influences, institutional constraints, and psychological limitations that affect states' decisions. Psychological, cultural, and ideological features are inseparable from political actors. They are not inimical to rationality. See Stephen L. Quackenbush, 2004. 'The Rationality of Rational Choice Theory.' *International Interactions: Empirical and Theoretical Research in International Relations*, 30 (2):87-107 (p. 92).

result from these bargains. In chapter 4, I follow on this theorisation with some empirical resources: I show why and how different security issues evoke different levels of SCs in the EAC.

State Sovereignty: The Microfoundation of Sovereignty Concerns

Sovereignty Concerns are worries about the fate and integrity of a state's "meta-political authority."³³² Meta-political authority is the state's ultimate political authority—its legitimate power to exercise authoritative jurisdiction over its domain of, especially, political-security governance. It derives from and is connected more generally to the principle and practices of state sovereignty. States' "recognised claim to monopolise the coercive and policing function" rests upon "their meta-political authority."³³³ As worries about the fate of a state's meta-political authority, SCs are an intrinsic dimension of sovereignty. So much has been written about the concept of state sovereignty that we sometimes take it for granted to avoid conjuring up conceptual confusion and disagreement while also trying to use it as the baseline for understanding relations between political entities we call "sovereign states".³³⁴ This has created challenges not only of its conceptualisation but turning it into an analytic category.

In this study, I am more concerned with the Laskian totalising aspects of state sovereignty, which make the state "a unity", an "all-absorptive" entity that subsumes other groups under its control, hence the apparent "exaltation of such unity" instead of "a plurality of reals."³³⁵ Aware of recent critiques of the monastic theory of the State, I admit that I am not concerned with gradations or levels of exercising state sovereignty. Not with whether or not a state has 'full' or 'partial' sovereignty in practical terms, not whether or not it can *fully* control its domestic

332 Thomson

333 Thomson, p. 230

334 Harold J. Laski, 1917. *Studies in the Problem of Sovereignty*. New Haven, CT: Yale University Press; Leon Thiry, 1981. 'Nation, State, Sovereignty and Self-Determination.' *Peace Research*, 13 (1):15-20; B. M. Sharma, 1951. 'National VS. State Sovereignty.' *The Indian Journal of Political Science*, 12 (3):1-18; Thomas J. Biersteker and Cynthia Weber, eds., 1996. *State Sovereignty as Social Construct*. Cambridge: Cambridge University Press; Antonio Francheset. 2001. 'Sovereignty and Freedom: Immanuel Kant's Liberal Internationalist 'Legacy''. *Review of International Studies*, 27 (2): 209-228. Sohail H. Hashmi, ed., 1997. *State Sovereignty: Change and Persistence in International Relations*. University Park, PA: Penn State Press; Radhika V. Mongia, 2007. 'Historicizing State Sovereignty: Inequality and the Form of Equivalence.' *Comparative Studies in Society and History*, 49 (2): 384-411; Alex Mills, 2008. 'The Formalism of State Sovereignty in Territorial and Maritime Disputes'. *The Cambridge Law Journal*, 67 (3):443-447

335 Laski, p. 6

domain and police internal rebellion effectively.³³⁶ Not as a matter of relations between federal/national and state/sub-national governments or levels of political activity and authoritative control. Not whether a politically organised entity monopolising the means of violence and controlling people and resources, such as Taiwan, Somali Republic, and the State of Palestine, is more “sovereign” than a juridical “Quasi-State” like Somalia, South Sudan, Colombia, Iraq, Syria, Lebanon, or Ukraine (as of 2014).³³⁷ It is not about whether secession demands should be construed as anti-sovereignty any more than they ought to be seen as processes that result in new sovereign entities.³³⁸ This is not about whether the state accepts to delegate some of its sovereignty temporarily or indefinitely to address its most-pressing security challenges, but whether its claims to sovereignty inform decisions to do so or not do so.³³⁹ And not whether or not the state’s territorial and aerial spaces are contextually penetrable, violable, and/or mutable in practical terms³⁴⁰ but that they are recognised as domains of a political entity laying legitimate claims over them in today’s international system.

Finally, this analysis is not about whether or not the state is the *effective centre* of political authority within a geopolitical space—for there may be competing authority claimants within the society—but whether the *recognised entity can and does lay claims to such central authority* through its own authority structures through and by which it is *authorised* to engage other similar entities in today’s international system.³⁴¹ This study views sovereignty in Krasner’s terms and places emphasis on the juridical basis of states’ claims to authoritative—not effective—

336 Edmond Keller and Donald Rothschild, eds., 1996. *Africa in the New International Order: Rethinking State Sovereignty and Regional Security*. Boulder, CO: Lynn Rienner; Herbet, *States and Power in Africa*.

337 Robert H. Jackson, 1990. *Quasi-States: Sovereignty, International Relations and the Third World*. Cambridge: Cambridge University Press

338 Oliver P. Richmond, 2002. ‘States of Sovereignty, Sovereign States, and Ethnic Claims for International Status’. *Review of International Studies*, 28 (2):381-402

339 Frank C. Nash, 1952. ‘The European Defense Force and State Sovereignty.’ *Proceedings of the American Society of International Law at Its Annual Meeting* (1921-1969, April 24-26, 1952), 46:136-142

340 Heather A. Leary, 1997. ‘The Nature of Global Commitments and Obligations: Limits on State Sovereignty in the Area of Asylum’. *Indiana Journal of Global Legal Studies*, 5 (1): 297-315; Anthony M. Messina, 2008. ‘Pathways from September 11: Politics, Policy, and State Sovereignty in an Age of Terror.’ *Political Science and Politics*, 41 (2):419-419; Christopher Rudolph, 2005. ‘Sovereignty and Territorial Borders in a Global Age’. *International Studies Review*, 7 (1):1-20; Alison J Williams, 2010. ‘A Crisis of Aerial Sovereignty? Considering the Implications of Recent Military Violations of National Air Spaces.’ *Area*, 42 (1):51-59

341 For a critique of state-authority-centrism, see John Agnew, 2005. ‘Sovereignty Regimes: Territoriality and State Authority in Contemporary World Politics.’ *Annals of the Association of American Geographers*, 95 (2):437-461

control over their domestic territorial and jurisdictional spaces; autonomous—not effective—decision-making and related action; and legitimate claims to—not effective exercise of—monopoly of means and instruments of violence. I focus on sovereignty’s specific aspects to address the intellectual challenge of turning it into a useful analytical category or variable. This conceptual specification has important methodological and analytical implications for theorising state sovereignty and turning it into an analytic category. Sovereignty, here, is a principle of statehood that informs the ideals and practices of statecraft. It defines the state’s authority in relation with its people and other states. It entails states’ “independence in decision making” (autonomy); authority “to control people and natural resources within [a state’s] borders as well as externally generated processes that might affect them” (control)³⁴²; and the state’s recognised right to make and enforce rules backed by “the collective judgement of international society about rightful membership in the family of nations” (legitimacy).³⁴³

Autonomy implies that “within its own boundaries the state has a monopoly over *authoritative decision-making*”, which excludes external sources of authority.³⁴⁴ Analytically, I interchange autonomy with “independence”³⁴⁵ for it signifies a state’s non-dependence on other political entities for decisions. *Control* implies that a state’s authority structures are mandated “to effectively regulate behaviour.”³⁴⁶ This includes exercising monopoly of violence by neutralising and/or limiting both domestic and external actors’ access to and control over means of violence within a state’s territory. *Legitimacy* includes domestic and international recognition of the state’s authority/control structures and functions. Internationally, it entails states’ mutual recognition to make and enforce rules within each state’s respective domain of governance. Recognition for “one another’s *exclusive authority* over what is contained” in each state’s domestic domain allows states to exercise independent control. Domestic legitimacy entails people’s acceptance of the state’s control over them: respecting its decisions;

342 Litfin, *Sovereignty in World Ecopolitics*, p. 184

343 Martin Wight, 1977. *Systems of States*. Leicester: Leicester University Press, p. 153 (in Litfin, ‘Sovereignty in World Ecopolitics’, p. 190)

344 Stephen Krasner, 2001. ‘Abiding Sovereignty.’ *International Political Science Review*, 22 (3):229-251 (p. 232)

345 Litfin, ‘Sovereignty in World Ecopolitics’.

346 Krasner, ‘Abiding Sovereignty’, p. 231

abiding by its rules; accepting its regulation of people's behaviour. These three aspects of sovereignty—autonomy, control, and legitimacy—constitute ultimate political authority otherwise called “meta-political authority”³⁴⁷ for they turn the state into “that which commands a sense of majesty.”³⁴⁸

Thomson writes: “Sovereignty is an institution which imparts to the state what I call meta-political authority.”³⁴⁹ This is a form of “ultimate authority” by which “states are empowered or authorised [by other states and societies alike] to decide what is political in the first place.”³⁵⁰ Once “empowered or authorized”, states arrogate to themselves key aspects of sovereignty, including exercising authoritative control by monopolising coercion. By defining SCs as worries about potential erosion of a state's meta-political authority, which entails the above-specified aspects of sovereignty, my conceptualisation unpacks the concept of sovereignty consistent with Thomson's, Litfin's, and Mattli's analyses. I answer Thomson's call for research on “the bedrock of sovereignty: rule making, enforcement authority.”³⁵¹ Doing so, I also operationalise Krasner's conception of state sovereignty by specifying the practical link between juridical (co-recognition among political entities), Westphalian (states rule via independently-constituted authority structures), and territorial (respect for states' territorial spaces wherein state authority is exercised) sovereignty.³⁵² By focusing on sovereignty's operational—not juridical—dimensions, we can unpack the concept and turn it into an analytical category.³⁵³

The link between sovereignty and meta-political authority, therefore, is this: sovereignty imparts to the state the meta-political authority (herein also “ultimate political authority”) which states as juridical political entities wield in operational/practical terms. States wield *this* decisive-political authority within clearly defined, juridically

347 Thomson, p. 227

348 Litfin, 'Sovereignty in World Ecopolitics', p. 196

349 Ibid

350 Thomson, p. 214

351 Thomson, *ibid*

352 Krasner, 'Abiding Sovereignty', p. 232.

353 Thomson; Litfin, 'Sovereignty in World Ecopolitics'.

recognised, albeit dynamic, territorial spaces.³⁵⁴ Thus, meta-political authority is a synergistic culmination of autonomy, control, and legitimacy as earlier defined. A combination of the three produces an effect greater than the sum of their separate effects. This is what I mean: decisional autonomy alone cannot allow the state to arrogate to itself control functions unless it is “empowered” to do so through non-interference. Acquiring the means of control over people and processes within a given territorial space, say by monopolising coercion and having independently-constituted and functioning authority structures, while depending on other states or IOs for key decisions negates a political entity’s independence. Finally, having autonomy and control but not legitimacy—both co-recognition among states and internal acceptance—makes an entity non-sovereign. But once the three combine, they allow states to arrogate to themselves unequalled majesty and authoritative stature. To say that *SCs are worries about the fate of a state’s meta-political authority* is to imply that SCs are fears over what a sovereign state can and should do to remain sovereign; over the future of the practical and empirical aspects of sovereignty; over the definitive aspects of statehood as constituted under the principle of sovereignty. In sum, they are concerns about potential erosion of “states’ [coveted] monopoly on meta-political authority.”³⁵⁵

Emphasis on sovereignty’s practical aspects underlines the operational dimension of autonomy and control embodied in states’ authority structures. Otherwise, an entity without functioning authority structures cannot wield meta-political authority—the power to decide what belongs to the political realm, that of states’ monopoly of coercion, and what does not, and to make and enforce rules through a state’s juridically recognised agencies. Thus, a state’s authority structures embody and operationalise its autonomy and control. A state’s “supreme authority within certain territorial limits”, once recognised by the “respective communities of States”, forms its internal sovereignty’s bedrock.³⁵⁶ Recognition for states’ authoritative control over their domains presupposes

354 This in no way implies that borders are unchangeable across time and space. Instead, at any given point in time a state is both a juridical, political, and territorial entity. Border alterations either breed other politico-territorial entities—new states—or territorial occupation by another state. In both cases the state retains its dynamic territorial dimension. Cf. Agnew

355 Thomson, p. 225.

356 Christian Reus-Smitt, 1997. ‘The Constitutional Structure of International Society and the Nature of Fundamental Institutions.’ *International Organization*, 51 (4):555-589 (p. 570).

mutual recognition and international legitimacy, which reflects reciprocal sovereignty. Reciprocity implies that “it would be impossible to have a society of sovereign States unless each State, while claiming sovereignty for itself, recognised that every other State had the right to claim and enjoy its own sovereignty.”³⁵⁷ Co-recognition among “juridically independent entities”³⁵⁸ incentivises states to covet their meta-political authority, hence mutual interest in preserving monopoly on such authority.

According to Thomson, “the modern *state system* is unique in that its *members recognise one another* as equal authority claimants” despite differences in size, capabilities, and empirical statehood.³⁵⁹ Accordingly, sovereign entities covet sovereignty because it distinguishes them from, and places them above, other polities in the contemporary international-political system.³⁶⁰ Sovereignty is of greater concern to states than other interests, such as ideology or economic well-being, whenever and wherever states believe cooperation on the given issues may erode states’ sovereign powers. Since different issues present different cooperation challenges, states’ levels of SCs differ with different issues. Whether different states express different levels of SCs on the same issue, or attach varying importance to meta-political authority, exceeds my scope. Where these obtain, historical and/or other contextual explanations for these variations, like different historical-political experiences, cultural and other identities, and geopolitics, ought to be discernible.³⁶¹ In such instances, variation in states’ perceptions regarding, or expression of, SCs is a dependent variable the analyst would explain. This analytically differs from, and is outside the scope of, my view that SCs are worries over the fate of states’ meta-political authority and that these concerns engender sovereignty bargains that influence cooperation outcomes. My conception of SCs considers aspects of sovereignty that any state will be concerned about where and when it can.

357 Ruggie, ‘Territoriality and Beyond: p. 162

358 Krasner, ‘Abiding Sovereignty, p. 233

359 Thomson, p. 219, my emphasis

360 Yale H. Ferguson and Richard W. Mansbach, 1996. *Polities: Authority, Identities, and Change*. Columbia: University of South Carolina Press

361 For instance, Hemmer and Katzenstein, ‘Why is there no NATO in Asia?’

Accordingly, SCs are *neither concerns about* juridical sovereignty nor the *effectiveness* of states' control functions. According to Krasner, "the acceptance or recognition of a given authority structure is one aspect of domestic sovereignty; the other is the level of control that state officials can actually exercise."³⁶² Levels of control vary noticeably with states. SCs are neither ideological nor economic concerns.³⁶³ Ideological concerns may arise from ideological differences among states. But sovereignty as a principle of statehood transcends ideological differences. *SCs are analytically distinguishable from collective-action problems.*

The distinction between SCs and collective action problems needs some substantiation. The two rational choice approaches differ, and can be compared and contrasted, along a number of dimensions: substantive claims, predictive power, micro-foundation, scope, and parsimony. Where SCs may be collective concerns among states in an organisation, collective action problems are individual disincentives to cooperation whose benefits are non-excludable from even non-cooperating states. Where under SCs we predict *collective disincentive* to cooperation on issues the cooperation on which states consider to threaten their meta-political authority, collective action problems lead to the prediction of *individual disincentive* that leads to collective non-action unless a self-interested hegemon solves this problem.³⁶⁴ Where SCs are *rooted in state sovereignty* that needs to be unpacked, collective action problems are *rooted in selfish interest of states* whose sovereignty is taken as pre-existing. Where SCs are *limited to states' estimation of costs and benefits—to their meta-political authority—*of both cooperation and non-cooperation, cost-benefit analysis in collective action problems theorising can be *extended virtually to any estimable cost*. Finally, SCs acquire independent influence through *sovereignty bargains* within the context of an intergovernmental organisation, the observation of which is important for deriving conclusions. But *collective action problems can operate in several different ways*, bargaining being just

³⁶² Krasner, 'Abiding Sovereignty', p. 232

³⁶³ Ideology involves closely-related and commonly-espoused ideas, or understandings, which a political community considers the basis for organising socioeconomic and political existence: Michael Howard, 1989, 'Ideology and International Relations.' *Review of International Studies*, 15(1): 1-10 (p. 1), quoting John Palmenatz, 1970, *Ideology* (London: MacMillan Press), p. 15

³⁶⁴ Keohave, *After Hegemony*.

one of them. Others may include interstate sabotage, isolationist policy, and non-communication as long as these methods can help the state to avoid incurring costs of cooperation that benefit even free riders. From these observations, it is clear that SCs and collective action assumptions differ.

Mancur Olson argues that self-interested actors have no incentive to cooperate for a common or group interest, for they are dealing in collective goods whose outcomes are non-excludable.³⁶⁵ International public goods like environmental pollution, seabed pollution, depletion of the ozone layer (as a result of greenhouse gases), do not attract collective action. Each state wants to void costs and pains of engagement, but desires that another state resolves these issues. Yet the outcome—clean environment, clean air, ocean/marine life—are enjoyed by all states as non-contributors cannot be excluded. Security faces the same problem as a public good: its benefits are non-excludable. This encourages the desire to free ride. This “collective action problem” increases when numbers of members in a group increase, but foundationally, it is rooted in individual desire to reap where one has not sown.³⁶⁶ Fears of others’ non-cooperation demotivates actors from providing non-excludable goods.

Unless there is an actor willing to bear the cost or coerce members to behave in a cooperative manner, such as a hegemon in international relations³⁶⁷, cooperation cannot arise. This problem applies to individual human beings as well as to collectivities like groups and even states. It has informed rational choice theorising in IR, until regime theorists considered how states as rational actors overcome this problem through regimes and institutions that help them overcome coordination and collaboration problems by either identifying, defining and amalgamating “collective intentions” or redressing freeriding in virtually every conceivable aspect of international

365 Mancur Olson, 1986/1971. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge, MA: Harvard University Press; Mancur Olson, 1982. *The Rise and Decline of Nations: Economic Growth, Stagflation, and Social Rigidities*. New Haven and London: Yale University Press; Jon Elster, 1985. ‘Rationality, Morality, and Collective Action.’ *Ethics*, 96 (1):136-155

366 Lars Udén, 1993. ‘Twenty-Five Years with “The Logic of Collective Action”’. *Acta Sociologica*, 36 (3 - Rational Choice Theory): 239-261; Pamela E. Oliver, 1993. ‘Formal Models of Collective Action’. *Annual Review of Sociology*, 19: 271-300; Daniel R. Sabia, Jr. 1988. ‘Rationality, Collective Action, and Karl Marx’. *American Journal of Political Science*, 32 (1):50-71

367 Keohane, *After Hegemony*. Cf: Duncan Snidal, 1985. ‘The Limits of Hegemonic Stability Theory.’ *International Organization*, 39 (4):579-614

cooperation.³⁶⁸ This desire to free ride, cooperation theorists argue, presents difficulties for self-interested states to cooperate for mutual benefit in especially collective goods like the environment.

However, from the preceding analysis, SCs are not necessarily collective action problems, for two reasons: first, the notion of collective action problems presupposes that some states are willing to cooperate but others are not. But what happens when states are not ready to compromise their meta-political authority? How do we understand “collective intention” that results in mutually beneficial but uncooperative outcomes? This issue eludes game theorists and bargaining theorists. I address it here by showing that SCs reflect collective intentions and fears, not desires to cheat or free-ride, even when they may revolve around a public good, such as improved security. Second, collective-action theorising assumes that rational actors risk missing cooperation benefits, hence the irrationality of independent decision making and action as opposed to cooperation.³⁶⁹ But SCs are problems not of cooperation indecision but cooperative non-decision (decisional avoidance).

It follows that while SCs may have similarities with collective-action problems—addressing the provision of public goods; assuming that states share beliefs about the same issue³⁷⁰; being rooted in rational actors’ cost-averse behaviours that inform decisions, choices, and actions; involving cost-benefit analysis; engendering some kinds of bargains between actors—they significantly differ on the foundational basis of states’ calculations regarding costs and benefits of cooperation. Collective-action theorising in IR takes state sovereignty as natural; the SCs approach takes sovereignty as an analytical category from which sovereignty bargains on the different issues ought to be traced. This is where theorising sovereignty and relating it to different issues becomes an important

368 Stein; Baizhu Chen, Yi Feng and Cyrus Masroori, 1996. ‘Collective Action in the Middle East? A Study of Free-Ride in Defense Spending.’ *Journal of Peace Research*, 33 (3):323-339; Hugh Ward, 1993. ‘Game Theory and the Politics of the Global Commons’. *The Journal of Conflict Resolution*, 37 (2):203-235; Zachary Ernst and Sara Rachel Chant, 2007. ‘Collective Action as Individual Choice’. *Studia Logica: An International Journal for Symbolic Logic*, 86 (3):415-434; Robert O. Keohane, 1988, ‘International Institutions: Two Approaches’, *International Studies Quarterly*, 32 (4):379-396; Stephen D. Krasner ed., 1983. *International Regimes*, Ithaca: Cornell University Press; Barbara Koremenos, Charles Lipson and Duncan Snidal, 2001. ‘The Rational Design of International Institutions.’ *International Organization* 55 (4):761-799; Joseph Lepgold, 1998. ‘NATO’s Post-Cold War Collective Action Problem.’ *International Security*, 23 (1):78-106

369 Stein

370 Ernst and Chant, p. 416

way of understanding why and how states overcome collective action problems on some issues, through bargains on coordination and collaboration, but avoid other issues through non-bargains.

SCs differ from elite interests, like regime stability or winning elections, and from domestic policy-specific concerns like distribution of political appointments and resources. Unlike elite concerns which may be tactical or strategic interests, SCs are ontological/existential concerns. They relate to the nature of being of the state. State elites can distinguish states' ontological from other states' interests as well as from the elites' own interests. Elite interests can as well be distinguished from state interests in several ways.

First, whether that which state leaders express and pursue represents the collective/public—the State—good or that of the individual or small group constituting the ruling elite.³⁷¹ By positing leaders' actions and choices as public goods, not representing individual or sectional interests, and appreciating whether or not particular players stress the structure as opposed to the group or individual, we can argue that the leader is seen to represent the national interest. Can the leader hide behind the state to promote personal and/or group interests? The answer is affirmative. But it would require theoretical and empirical interest and explanation for such behaviour which is a different subject. Even if one agreed that such fusion or even disguise of interests sometimes obtains, state elites wield the authority to represent their respective states. They occupy political positions within the state's authority structures which allow them to speak for and act on behalf of the State. They wield "the power to govern" which, when viewed from the country's self-image as a sovereign entity with both economic, political, military and possibly ideological interests, allows us to judge their actions and choices as state choices.³⁷² This goes beyond Nincik's emphasis on "how democratic the decision" or process of formulating the national interest is³⁷³—for nondemocratic states also have state interests that resemble those of democracies. Besides,

371 Gaubatz.

372 Anthony Lake, 1981. 'Defining the National Interest.' *Proceedings of the Academy of Political Science*, 34 (2 -The Power to Govern: Assessing Reform in the United States): 202-213

373 Miroslav Nincic, 1999. 'The National Interest and Its Interpretation.' *The Review of Politics*, 61 (1):29-55

democracy is not the micro-foundation of statehood. This conception goes beyond realist reductions of state interests to security and power³⁷⁴ by allowing for the accommodation of other kinds of state interests. Instead, statehood and the national interest also encompass international-institutional principles that form the bedrock of the “international system”: state sovereignty. Otherwise, it would necessitate drawing empirically demonstrable conceptual distinctions between elites’ and states’ interests if one were to claim that SCs depend upon, or actually represent, elites’ interests and that these interests are hiding in the opaque rubric of sovereignty.

Second, whether there are possible continuities in these interests across time regardless of regime change within the country. This helps us differentiate “regime” from “national” interests, in such a way that attachment to the issue considered as a state interest transcends regimes in power. This may appear to disprove Solingen’s argument unless a ruling coalition fuses its interest with that of the state. It also helps us to separate possible collective-international engagements from state identities. Example: states participate in NATO missions as members of a collectivity in which each state’s ruling regime might be interested, that may appear not to reflect that state’s specific national identity.³⁷⁵ Here Nye assumes that different regimes engender differences in relations between states as Solingen argues. But again, NATO itself falls within the interest of the state as an organisational establishment to which the given state made commitment. Accordingly, NATO interests might be construed to reflect member states’ national interests if we observe continuities across time and space in states’ involvement in NATO missions regardless of states’ ruling coalitions at a given time within member states. Since NATO memberships and obligations seem to remain relatively stable regardless of government changes in its member states we can conclude that NATO represents member states’ national identity and interests at least to the minimum possible level of legitimacy and acceptance by its member states’ governments and populations.

374 Waltz; Hans B Morgenthau, 1985. *Politics Among Nations: The Struggle for Power and Peace*, New York: Alfred A. Knopf, p. 5, in Nincic, p. 32

375 Joseph S. Nye, Jr. 1999. ‘Redefining the National Interest.’ *Foreign Affairs*, 78 (4):22-35

Third, whether similar interests may be observed across space, that is, in different countries. Here, Acharya's findings on Southeast Asia supplement my argument even as we differ theoretically.³⁷⁶ Even if a critique argued that state elites may hide behind the veil of state sovereignty to promote their narrow personal and group interests, there would still be a double-pronged problem: (i) whether we should take ruling coalitions' interests as representing the state in agreement with Solingen's view that the ruling coalition's interests form the state's *raison d'être* at any given time³⁷⁷; (ii) whether we consider elites' ability to refine and redefine the national interest in ways that transcend ruling coalitions at any given time. To address these issues, it is important to conceptually and empirically consider continuities over time. As this study reveals, it is safe to identify elites with the state in the EAC, when it comes to SCs, because there are observable continuities of this interest over time in various EAC countries: there was exclusion of rebellions from the 1998 Memorandum of Understanding on Cooperation in Defence Affairs, when Benjamin Mkapa and Daniel Arap Moi were presidents in Tanzania and Kenya respectively. This persisted to-date when regimes have changed thrice in these countries with changes in Kenya being significant considering changes in the composition of ruling coalitions since 2002.

Similarly, we do not observe these countries pressure affected states like Rwanda or Uganda, over time, that cooperation on these issues is possible or even necessary as the findings in Chapter 6 reveal. Thus, there is not sufficient allowance for the possibility that elite interests could be structural in nature and yet still not coincide with those of the state. Here, I agree with Schmitter that "collective choices made long ago", herein emphasis on the sovereign prerogatives of the state, "have acquired a reputation and legitimacy of their own" and that this legitimacy and structural constraint is more permanent than elite interests, thereby forcing elites to either subject and legitimise their interests with those of political organisations (making them indistinguishable) or to "follow standard procedures" and "collectivise" their interests in ways that make them intelligible and "easier for other

376 Acharya, *Whose Ideas Matter?*

377 Solingen, *Regional Orders at Century's Dawn*. Also see Friedrich Meinecke, 1957. *Machiavellism: The Doctrine of Raison d'Etat and Its Place in Modern History*. New Haven: Yale University Press

authorities (herein states) to consult and negotiate with them.”³⁷⁸ State interests, then, take precedence over elite interests and are herein considered as such. When these interests revolve around sovereignty, both leaders’ and other national interests may be subordinated to this core element of statehood.

Finally, sovereignty gives state elites the mandate to exercise authoritative control over their states’ respective domains. Emphasis is placed not on the individuals and sub-national units within the state, but on “the aggregate level. Do the incentives faced by the individual human beings... make it possible for states to act as *states* in the international system?”³⁷⁹ Arguing in the affirmative allows me to consider the aggregate. Herein state sovereignty transcends these elites’ interests. It relates not just with the current ruling coalition but the State itself. Once state elites take steps that “place their countries before the world, or before the mother country, either as *de facto* or as *de jure* sovereign States”, then they may speak for “the whole People *en masse*” and thus represent collective interests—state interests.³⁸⁰ The state’s sovereign authority surpasses who currently wields state power.³⁸¹ It follows that when leaders exercise the state’s meta-political authority it should not be confused with personal authority or charisma, though a leader may have these qualities.

Meta-political authority stems from international institutional principles that constitute our current state system. State elites must care for these interests of political units if they are to claim to represent these entities, if they are to become meaningful participants in the international system. The system reflects “states’ common interests in building power and exercising control” and “lends domestic autonomy to the state.” It empowers the state “to overcome societal resistance to its policing practices.”³⁸² It offers mutual guarantees of the state’s monopoly on meta-political authority. Within these guarantees state elites’ action and choices can be subsumed.

378 Philippe C. Schmitter, 2010. ‘Micro-Foundations of the Science(s) of Politics.’ *Scandinavian Political Studies*, 33 (3): 316-330 (pp. 320-21)

379 Gaubatz, p. 166

380 William L. Scruggs, 1887. ‘The “State Sovereignty” Heresy.’ *The North American Review*, 145 (3):456-457 (p.457)

381 On ruling coalitions and regional cooperation, see Solingen

382 Thomson, p. 226

Why and when states express SCs is now clear: first, states are concerned because they want to preserve their Thomsonian “monopoly on meta-political authority”, that is, to preserve their power to decide which issues belong to the realm of coercion and which do not; and to retain decisional autonomy, authoritative control, and legitimate monopoly of violence. These attributes are crucial to states’ self-identity and existence as sovereign entities. Whenever states face pressures that could affect this ultimate authority, states worry about losing their autonomy and control to “external actors”, for instance by forfeiting their monopoly of violence. Second, states like to command “a sense of majesty or awe [that] has always been an important attribute of the sovereign.”³⁸³ They worry about socio-political actors whose operations or activities may efface states’ majesty, for instance, by overriding states’ ultimate control over security domains. Challenges to internal sovereignty, like crime and rebellion, do occur. But all states respond to these issues to claim, regain, their monopoly of violence. Third, statehood is anchored on the principle of sovereignty. So, states have a common interest in preserving it, hence the tendency to limit external influences to sovereignty. Fourth, Krasner argues that the existence of a state’s control structures, not their effectiveness, is a precondition for sovereign co-recognition among states. Hence, potential alterations of independently-constituted structures threaten states’ sovereign existence. So, states express SCs when actual or perceived, current or future, conditions threaten their meta-political authority.

The first condition is the threat of attack and/or occupation by (an)other state(s). The affected state fears for its existence as a sovereign entity. Second, domestic actors may challenge state authority, for instance by contesting a state’s monopoly of violence, eroding its control. The state must counter such actors through internal policing, counterinsurgency operations to reassert control and monopolise violence, and rule making and enforcement in the broadest sense. These responses accrue to all states besides differences in degree, methods, and level of effectiveness. Finally, the mandate and activities of organisations may erode states’ meta-

383 Karen T. Litfin, 2003. ‘Towards an Integral Perspective on World Politics: Secularism, Sovereignty and the Challenge of Global Ecology.’ *Millennium: Journal of International Studies*, 32 (1):29-56 (p. 54)

political authority. States found organisations to benefit from cooperation. But some organisational activities may affect state sovereignty, for instance, by competing with states' authority structures and decision making.³⁸⁴ In principle, states are likely to eschew organisations' mandates and activities that may shed doubt on the *stateness* of the state. They uphold those that preserve or enhance states' sovereign majesty.³⁸⁵ The former may involve the establishment of supra-state security structures replacing states' independently-constituted structures. The latter entail enhancing the capacities of states' security agencies and institutions. The challenge of cooperation lies in how to address these concerns, hence the value of sovereignty bargaining.

The assumption here is that states dislike socio-political developments that threaten their meta-political authority. When these developments arise within the state, attempts at internal control, and counterinsurgency operations, can be observed. When they are international, or foreign, in origin, the state asserts its sovereign-ness and its authority through such practices as self-defence. In organisational contexts, attempts are made to limit the mandate and activities of organisations, to withdraw from organisations, cause institutional changes within these organisations, or to found counteracting agencies and/or parallel organisations that try to check the irritating organisation. Within ROs, states face competing pressures: the desire to preserve their sovereign-ness on one hand, and the need to cooperate for mutual gain on the other. Cooperation is useful for it helps states to avoid "dilemmas of common interest" (which arise when independent decision making results in equilibrium outcomes in which actors would prefer a different outcome), and "dilemmas of common aversion" (instances where actors have a common interest in *avoiding* particular outcomes).³⁸⁶ In trying to avoid both dilemmas via cooperation, either separately or concurrently, states may establish regime-based organisations whose mandated activities may erode state sovereignty. Hence: the dilemma of cooperation and sovereign co-preservation. This is where

384 Abbot and Snidal, 'Why States Act through Formal International Organisations'

385 Litfin; Mattli

386 Stein, 'Coordination and Collaboration', pp: 35-45 and 52

states have incentives to judge whether or not cooperating on a given issue presents threats to their meta-political authority, hence SCs. Cooperation outcomes will vary with variation in levels/intensities of SCs.

The Taxonomy of Sovereignty Concerns

This taxonomy is my classification. Embodying a holistic ontology, the taxonomy reflects the presumption that states have overcome the Hobbesian problem: “how a large group of individuals with diverse and competing interests can create a political community that facilitates cooperative behaviour and constrains the war of all against all.”³⁸⁷ I appreciate that “the struggle to create coherent communities is a critical political issue faced by all states” and that states still face challenges of creating such “coherent communities.”³⁸⁸ But I assume that present-day states in the international system have arrogated to themselves the mandate of solving this problem especially in matters of national security and domestic governance. I consider relations between states as based on their sovereign-ness. States define security issues basing on their sovereign prerogatives, not on the basis of whether or not these states have acquired the same, standard, level of internal control and governance effectiveness. Thus, this is a theory of state agency at the regional level of analysis.

One “of the microfoundations of the political sciences” Schmitter stresses³⁸⁹ is the existence of an autonomous political organisation—the Sovereign State. Studying international political phenomena, such as the current attempt to explain security cooperation and non-cooperation between states operating within ROs, entails understanding interactions between these key actors. The State is the main agent/actor in regionalism. Here, I consider the pursuit of two competing motives in regionalism: reaping the benefits of cooperation within a region; and preserving the state’s sovereign identity and independence. Though interested in reaping the gains of

387 Kurt Taylor Gaubatz, 2001. ‘The Hobbesian Problem and the Microfoundations of International Relations Theory.’ *Security Studies*, 11 (2):164-86 (p. 264)

388 Ibid, pp 164-5

389 Shmitter, ‘Microfoundations of the Science(s) of Politics’. Schmitter defines microfoundatons as key assumptions accepted by all practitioners of that science, upon which that science rests, and which determine the validity of the science’s visible structures: its concepts, hypotheses, methods, data, associations, and inferences. p 316

interdependence, one of the state's motives is the preservation of its sovereign autonomy and existence. These motives are concurrent but competitive as interdependence and independence pull in different directions.

The mechanisms through which sovereign autonomy and existence is preserved include co-recognition and bargaining. Co-recognition and respect for the autonomy and existence of equal claimants to sovereignty—other states—bespeak of Ruggie's notion of reciprocity.³⁹⁰ Reciprocity need not imply that the Hobbesian problem, that of domestic control by an overarching *Leviathan*, has been completely solved.³⁹¹ It should not be construed that way. Nor should it be construed that states which have not solved such a problem are un-sovereign and that their indigenous struggles to do so are to be cast aside³⁹²: their sovereignty is a shared institution, as Ruggie argues, not a function of effective control as the nature-of-the-state thesis implies.³⁹³ This implies that states reciprocate one another's respect for each state's legitimate right to solve the Hobbesian problem within its domain. Beyond reciprocal sovereignty, states engage in sovereignty bargains to balance the need to preserve their sovereignty, as stressed by Thomson, and the desire to benefit from interdependence via institutional strategies stressed by Stein and other cooperation theorists.³⁹⁴ State-created regimes and institutions embody principles of international politics, like sovereignty. These principles define the powers and limits of each actor in ways that make it possible for them to cooperate. Respect for one another's sovereign autonomy, control, and legitimacy is one of the core tenets of interdependence between states. And so, my taxonomy of SCs is rooted

390 Ruggie, 'Territoriality and Beyond.'

391 Stephen D. Krasner, 1995. 'Compromising Westphalia'. *International Security*, 20 (3): 115-151; Thomas Hobbes, 1651. *Leviathan*. Ed.: Edwin Curley, 1994. Hackett: Indianapolis. In Gaubatz; Michael C. Williams, 1996. 'Hobbes and International Relations: A Reconsideration.' *International Organization*, 50 (2):213-236

392 Warning against these western notions appears in Pierre Englebert and Denis M. Tull, 2008. 'Postconflict Reconstruction in Africa: Flawed Ideas about Failed States.' *International Security*, 32 (4):106-139

393 See Gaubatz; Krasner, 'Westphalia and all that'; Robert I. Rotberg, ed., 2003. *When States Fail: Causes and Consequences*. Princeton NJ: Princeton University Press; Jean-Germain Gros, 1996. Toward a Taxonomy of Failed States in the New World Order: Decaying Somalia, Liberia, Rwanda, and Haiti. *Third World Quarterly*, 17 (3):455-472; Gerald B. Helman and Steven R. Ratner, 1992/3. 'Saving Failed States.' *Foreign Affairs*, 89: 3-20

394 Kenneth A. Oye, 1985. 'Explaining Cooperation under Anarchy: Hypotheses and Strategies.' *World Politics*, 38 (1): 1-24; Robert Axelrod and Robert O. Keohane, 1985. 'Achieving Cooperation under Anarchy: Strategies and Institutions', *World Politics*, 38 (1): 226-254

in, and reflects, the three microfoundations of International Relations (IR): agents/actors (States); their motives and interests (preservation of meta-political authority in a cooperative framework); and mechanisms (sovereignty bargains informed by the different levels of SCs evoked by any given issue on which states might cooperate).

Since states are the main actors that desire to cooperate without compromising their meta-political authority, my taxonomy stresses the view that states treat different issues differently because of variances in sovereignty-related cooperation challenges each issue presents. This also stresses differences in the cooperation challenges states face. Not the nature of the security issue per se but how the issue, as defined and conceived by states within a state-centric landscape, relates to states' sovereignty both as a component of the Hobbesian problem and as a cooperation challenge. Since we "need not preclude empirical investigation into the changing nature of the practices associated with sovereignty"³⁹⁵, we can uncover sovereignty's influence by elucidating variations in states' sovereignty-based behaviours toward different cooperation challenges. These variations in the security-issue-state-sovereignty relationship inform my taxonomy of SCs in line with Litfin's and Stein's analyses. My taxonomy considers that states (actors) define and judge security issues, relate them with their sovereignty, estimate the potential costs and benefits of cooperating on the different issues that inform states' opinions about whether or not and how to engage one another (interests, motives) on these issues, and develop appropriate bargaining strategies (mechanisms) that determine cooperation outcomes.

For long the state-as-unitary-actor approach has informed IR theorising, however debatable this image remains. Yet, there is yet no viable alternative to state-centric theorising for then other agents acting against/toward one another constitute not "international" but other politics.³⁹⁶ Yes: the link between domestic and international politics is not deniable.³⁹⁷ But the salience of the state remains crucial: domestic state and non-state actors are either forced or incentivised to 'amalgamate' their interests and demands within the microstructure of the state.

³⁹⁵ Litfin, p. 177

³⁹⁶ Gaubatz

³⁹⁷ Solingen. *Regional Orders at Century's Dawn*

Only then are they able to succeed in their *international* endeavours and also become comprehensible to other state actors. Thus, the liberal critique of the realist heuristic of an international system made up of unitary actors misses the point that even internal actors are in themselves not unitary enough to be sufficiently reduced to say, coalition interests: coalitions are made up of individuals and groups with competing interests at that level. Therefore, my emphasis on the regional level of analysis, on the state as the main actor, and on preservation of the state's sovereign interests through bargains between states, should not be construed as implying absence of non-state actors in the East African regional integration project.³⁹⁸ These level-of-analysis issues should be construed as methodological preferences of researchers. Any approach to research and theory building deals with some and leaves out other issues. My taxonomy is no exception.

Litfin's analysis is vital for this taxonomy because: First, it stresses the importance of sovereignty bargaining. We can trace variations in sovereignty bargains from different SCs that generate these bargains. Litfin reveals that "sovereignty bargains are likely to vary according to the nature of the... problem at hand."³⁹⁹ I maintain that "the nature of the problem at hand" is determined not independently by some exogenous actor outside the international system, not from the issue's independent existence, but in relation to, and by, states themselves.⁴⁰⁰ Different problems relate differently with state sovereignty. Second, different issues "have different implications for traditional norms of non-intervention."⁴⁰¹ Here Litfin micro-analyses sovereignty's influence on cooperation: it is not the problem's implications for non-intervention, possible cooperation on that issue. This reflects states'

398 Indeed, states recognized and allowed other, non-state, actors to legally participate in this process. EAC Treaty.

399 *ibid*

400 Otherwise, the "exogenous actor", whatever it might be, would be another key actor in international politics, in whose framework we might analyse different 'world'—not "international"—politics. Here my state-centric theorising would have to compete with its critique, the non-state-centric theory. This is not to say that non-state actors are not important actors in international politics but that we are yet to develop strong conceptual and epistemological frameworks that are neutral of state-centric concepts and frameworks of understanding. Even Slaughter and Sikkink use state-centric concepts: Margaret E. Keck and Kathryn Sikkink, 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca and London: Cornell University Press; William Wallace and Daphne Josselin, eds., 2002. *Non-State Actors in World Politics*. Palgrave Macmillan; Kledja Mulaj, 2009. *Non-State Violent Actors in World Politics*. London: Hurst; Tim Büthe, 2004. 'Governance through Private Authority: Non-State Actors in World Politics.' Review. *Journal of International Affairs*, 58 (1):281-290

401 Litfin, p. 179

fears as they weigh the interventionist implications of cooperating on that problem. Third, Litfin differentiates between issues. She reveals that different issues have different sovereignty nuances: “issues of transboundary pollution may be more readily resolved under traditional norms of sovereignty than problems of internal natural resource degradation” for the latter evoke non-intervention norms.⁴⁰² That some issues evoke non-intervention norms and others do not indicates that different issues evoke different intensities of SCs. That some are easy to resolve “under traditional norms of sovereignty”, while others are difficult, indicates different sovereignty bargains required to “resolve” different issues. Since some issues are more “readily resolved” than others, differences in ease vs. difficulty of resolution lead to different cooperation outcomes on the different issues. Hence the theoretical view which my taxonomy embodies: different levels of SCs engender different sovereignty bargains, which lead to different cooperation outcomes.

Along with Litfin, Stein’s analysis of international regimes is instructive. Beyond the material and governance entities (organisations) that embody regimes, which regime theorists like Oran Young believe are necessary to “ameliorate collective action problems”⁴⁰³, Stein distinguishes “Collaboration” from “Coordination” regimes and their corresponding coordination and collaboration problems. The former expose the challenge of handling states’ strong desires for autonomous decision making and action, that is, states’ desire to avoid dependence. These regimes are suitable for collaboration problems, such as collective security. The latter are expose states’ desire to avoid dilemmas of common aversion and are suitable for coordination problems, like tragedies of the commons. This distinction indicates that states estimate the effects of cooperation on different issues before deciding whether or not, and how, to cooperate. They devise strategies for balancing the need to cooperate and their desire for autonomous action.⁴⁰⁴ Stein’s analysis underlines the value of issue-specificity in cooperation theorising. Issue specificity helps us to understand why states have difficulty cooperating on some and not other

402 Litfin, p. 180

403 Young, *Governance in World Affairs*, p. 4-6

404 Stein

issues—why they need collaboration regimes for some issues and coordination regimes for others. My taxonomy of SCs, therefore, is both implied and analytically traceable in Litfin and Stein’s studies.

This taxonomy clarifies Litfin and Mattli’s views on sovereignty bargains. While their different studies address sovereignty bargaining, the origins of *sovereignty* bargains and the basis of variations in bargaining outcomes remain underspecified. They stress trade-offs between sovereignty’s different aspects: autonomy, control, and legitimacy. They argue that states may accept reduced autonomy in exchange for improved control and legitimacy. Litfin, for instance, argues that environmental cooperation engenders sovereignty bargains, which generate alterations in the nature and practices of state sovereignty. For Mattli, under conditions of economic strain, sovereignty bargains determine states’ decisions to join regional economic unions. For them, cooperation has independent influence on state sovereignty: they do not address cooperating entities’ prior sovereignty and its influence on cooperation outcomes. I argue that sovereignty precedes sovereignty bargains. Cooperating entities are, first-and-foremost, sovereign. Their sovereignty inform their cooperation decisions and practices.

While admitting that different issues require different sovereignty bargains, Litfin and Mattli observe changes on state sovereignty, not its independent influence. They indicate that through sovereignty bargains cooperation affects the practices and norms of state sovereignty. This causal logic is ironical, for Litfin admits that “sovereign statehood is the preliquisite to negotiating and becoming a party to international treaties.”⁴⁰⁵ This underscores sovereignty as *the* precondition for cooperation from which sovereignty bargains originate. Instead of tracing sovereignty bargains from sovereignty itself, Litfin reverses the relationship between state sovereignty and sovereignty bargains. I argue that state sovereignty precedes interstate cooperation. So, sovereignty bargains arise from sovereignty itself. Sovereignty is the principle as a result of which “states find themselves compelled to engage in sovereignty bargains.”⁴⁰⁶ My taxonomy shows that different levels of SCs yield different sovereignty

405 Litfin, p. 174

406 *ibid*

bargains. These bargains, in turn, lead to different cooperation outcomes. This accounts for the origins of variations in sovereignty bargains and in cooperation outcomes that are observed with different issues.

To understand the baseline of my taxonomy, I draw the reader's attention to states as self-conscious sovereign entities. As the main actors in the EAC's security and non-security cooperation, they desire to cooperate without compromising their sovereign authority. They create and operate through the EAC as their agent, not as an imposition upon them. From a Principal-Agent perspective, interstate bargains and their resulting institutional frameworks must help states "solve collective-action problems multilaterally before motivating [states'] agents." States "sometimes empower their IO agents with decision-making authority", but may also create "procedural checks and balances" within the IO, such that [potential and actual] decisions made by the IO may be vetoed.⁴⁰⁷ As the Council's role in bargains and non-bargains empirically demonstrates, the EAC ministerial Council has powers to undermine efforts of other organs, such as the EALA and EACJ, from passing institutional decisions that erode states' meta-political authority. This retains states' control over the EAC.

By creating what Nielson and Tierney call "checks and balances that require coordination or competition between two or more agents", namely between Council and other Organs, EAC Partner States retain not only their centrality as key actors but their monitoring mechanisms and space for their sovereignty bargaining. This clarifies why in my taxonomy the sovereign state is the fulcrum around which defining and judging different security issues, and the institutional mechanisms for deciding whether or not to cooperate on any given security issue, revolve. Since the state's autonomy and authority are rooted in its sovereign-ness, a problem arises as to whether and how such delegation of authority can be achieved without eroding the state's very own core attributes: autonomous security-related decision making; authoritative control over its security domain; and

407 Daniel L. Nielson and Michael J. Tierney, 2003. 'Delegation to International Organizations: Agency Theory and World Bank Environmental Reform'. *International Organization*, 57 (2):241-276 (p. 242)

legitimate monopoly of violence. These attributes constitute the state's meta-political authority in which is rooted the taxonomy of SCs that informs the different bargaining strategies.

Important issues about this taxonomy's micro-foundations deserve clarification. First, the state-as-main-actor viewpoint does not imply that domestic actors do not matter. It implies that these actors can be analytically subsumed within the state which engages other states on their behalf *to the almost invisibility* of these intra-state elements. It does not mean that key leaders do not matter, but that I focus on the state as the structure, not state leaders as agents.⁴⁰⁸ Even domestic coalition theorists like Solingen equate ruling coalitions' interests with the state's *raison d'être* at any given time. This subsumes key actors within their structure. Second, I have previously stressed the visible continuities of similarity of interests across time even with different coalitions or parties in power in many states. States, regardless of their domestic rule and socio-political configurations, have a common interest in preserving their sovereign authority. This implies that interests may converge not only on improved security or socioeconomic wellbeing, that then forms the basis for founding regimes and organised institutions for cooperation as stressed in cooperation theorising, but that interest convergence to what may be called "Similarity of Desire" is also conceivable and observable akin to Thomson's view that states have a common interest in preserving their meta-political authority.⁴⁰⁹

Third, beyond the different levels of SCs that engender different bargaining strategies that result in different cooperation outcomes, states remain sovereignty-sensitive even while already cooperating. Bargaining theory assumes that interstate engagement is over once an endpoint has been reached. For instance, the bargaining theory of war argues that "war is over once a settlement is reached."⁴¹⁰ From this perspective it might appear that the formation of an RO with a security-cooperation instrument or mandate, such as a protocol, might be

⁴⁰⁸ Alexander Wendt, 1987. 'The Agent-Structure Problem in International Relations Theory'. *International Organization*, 41 (3):335-370

⁴⁰⁹ Thomson, 'State Sovereignty in International Relations.'

⁴¹⁰ David A Lake, 2010/11. 'Two Cheers for Bargaining Theory: Assessing Rationalist Explanations for the Iraqi War.' *International Security*, 53 (3):7-52 (p. 9)

sufficient to allow the RO act autonomously with least to no state influence. I argue otherwise. States, owing to their motive of keeping organisations under check, and of retaining their meta-political authority in some realms of governance, remain sensitive to organisations' operations and activities. Nielson and Tierney indicate that principals employ tactics strategically—screening, monitoring, contracts, competing agents, institutional-legal limitations—to keep agents under check, and possibly “induce self-interested agents to abide by the wishes of the principal.”⁴¹¹ As Lake demonstrates in the case of the Iraq war, bargaining continues even after reaching the endpoint: end of war. Applied to ROs with security cooperation mandates, states remain sensitive after founding ROs: the Nielson-Tierney strategies for keeping the RO/agent under check become valuable here. Attempts to thwart the judicial supra-nationalism of the EACJ (Chapter 6), and to strengthen states' National Focal Points against SALWs and counterterrorism agencies (Chapter 5), instead of setting up strong EAC mechanisms for handling these issues, become clear indicators of bargaining strategies to keep the RO under check.

Fourth, states theoretically act rationally to reduce to autonomy in all these processes. ROs have autonomy in limited issue-areas as delegated by states. Hence, ROs matter less as autonomous actors for states stymie such autonomy for fear that organisations “may actually undermine the purposes for which they were created.”⁴¹² Accordingly, states utilise these agents' institutional and technical value to overcome coordination problems. States are willing to cooperate only if such cooperation does not significantly compromise their sovereign autonomy, control, and legitimacy. Fears of this loss arise because states are aware that security issues differ. This is not a matter of perception; it is a matter of how the security issue in question is defined by, and judged to relate with, the state. Thus, decisions on [non]cooperation are intentional. Highlighting “strategic interactions [that are] important in bargaining failures, bargaining theory gives scholars a baseline model”⁴¹³ for considering qualitative estimates of the probability of cooperating or eschewing cooperation on different issues.

411 Nielson and Tierney, p. 246

412 Nielson and Tierney, p. 244

413 Lake, p. 48

Fifth, non-cooperation does not exclusively indicate bargaining failure. Instead, as Chapter 6 reveals, it may be rooted in high-level SCs, and should be construed as a consequence of rational, deliberate, choices not to bargain on the given issue. These choices—herein “non-bargains”—arise from states’ high-level fear of eroding their meta-political authority in trying to address the given security issue. Therefore, bargaining may reveal information about the costs and benefits of cooperation, the different strains different issues pose upon states once states agree to cooperate on them, hence coordination and other aspects of cooperation that appear to constrain state autonomy in some realms of governance.⁴¹⁴ But as Chapter 6 indicates, previous court rulings on human rights cases involving Rwanda and Uganda revealed to states the costs of judicial cooperation, forcing them to amend the EAC Treaty in ways that sought to reclaim states’ judicial autonomy. It follows that non-bargains and their resulting non-cooperation indicate a deliberate attempt to avoid certain costs.

Sixth, this taxonomy reflects “reference homogeneity” among members of a “collective principal.” The agent receives a set of assignments that are less divisive to the members of the collective principal.⁴¹⁵ The value of different levels of SCs and their corresponding bargains on different issues is that states are able to iron out their potential differences and concerns before assigning the EAC the legal mandate to do certain things. With a common interest in preserving their meta-political authority, states are undivided on designating some security issues as “common problems” and others as “sensitive issues”. Therefore, the normal bargains that arise from low-level SCs help in solving coordination problems on non-sensitive issues; non-bargains prevent the agent (herein the EAC) from usurping states’ security autonomy in “sensitive security issues”. As Chapter 6 reveals, since the Council is the EAC’s most sovereignty-sensitive organ—and has formal authority over other EAC organs—it protects states’ interest in preserving their meta-political authority. Finally, the taxonomy provides bargaining theory with tools for determining wherefrom, why, and how bargains arise, and how they result in

414 Mattli; Litfin

415 Nielson and Tierney

specific principal-agent relationships between states and ROs. It shows that ROs' mandates and decisional autonomy will differ with different issues given differences in levels of SCs different issues evoke.⁴¹⁶

In summary, states already operating in ROs remain key players in the security-cooperation frameworks that arise within the organisation. Being sensitive to the implications of cooperation for their meta-political authority, states estimate the costs and benefits, in relation to their sovereignty, of cooperating on different security issues. Instead of previous cooperation encouraging states to delegate unlimited authority to the RO, states' experience with cooperation may create incentives for states to re-examine the current issues more rigorously, to critically examine these issues' relationship to state sovereignty, and to weigh the potential costs and benefits of joint solutions to these issues in order to monitor and control the organisation.⁴¹⁷ This perhaps explains why states have interest in constantly monitoring organisations. And the nature and extent—as well as the intent—of this monitoring may also differ with different issues as herein theorised.

Observably, some issues appear to be worthy of coordination; others require a complicated balance between states' meta-political authority and collaboration; yet others clearly evoke fears of eroding states' authoritative control, autonomous decision making, and legitimate monopoly of violence even within the state's domestic domains—thus becoming “sensitive issues”. Sensitivity here is not simple perception. Instead, it is rooted in the states' sovereign-ness that informs calculations about the future of states' ultimate authority if cooperation occurs on the given security issue. As Lake indicates, states' fear of an undesirable future creates incentives for particular actions and choices. In this respect, non-bargains—which are rooted in high-level SCs—are strategic choices intended to avoid meta-political authority costs of cooperating on sensitive security issues.

⁴¹⁶ See Nielson and Tierney, p. 249

⁴¹⁷ Haftel and Thomson; Darren G. Hawkins, David A Lake, Daniel L. Nielson, and Michael J. Tierney, eds., 2006. *Delegation and Agency in International Organizations*. Cambridge CB: Cambridge University Press

FROM HIGH-LEVEL TO LOW-LEVEL SOVEREIGNTY CONCERNS

High-Level SCs are considerations about the state's ultimate control over its jurisdictional domains impervious to the necessity of cooperation. They are concerns about the possible erasure of a state's self-sufficiency, independent decision making and action, and authoritative control over its affairs in an attempt to meet the demands of cooperation. States' desire to cooperate does not erase their interest in avoiding the risk of dependence on external actors, in excluding external sources of authority in their domains.⁴¹⁸ States are concerned that "the rule of non-intervention in the internal affairs of others"⁴¹⁹ and respect for Vattelien sovereignty may be eroded when ROs overrun states' control functions exercised in states' territories. They evoke the Zacherian "territorial integrity norm", to ensure that respect for each other's territorial sovereignty is not jeopardised in an attempt to cooperate.⁴²⁰ High-level SCs are also fears for the fate of a state's independently-constituted authority structures exercising control functions within territorial domains, and for monopoly of meta-political authority as a key attribute of statehood. Each state's sovereignty would remain intact, "so long as no external actor attempted to influence its domestic authority structures."⁴²¹ States fear that their monopoly on meta-political authority may be eroded in the process of trying to cooperate.

States evaluate issues of cooperation on the basis of how they relate to the state and potential implications of cooperation on the issue for state sovereignty. I suggest that states categorise security issues that evoke high-level SCs as "critical-sovereignty" issues. Such security issues are considered to originate within a state, their transnational dimensions and implications notwithstanding. Their causal dynamics call to mind the *stateness* of the state. I address these natures in chapter 4. States believe handling such security issues requires exercising states' legitimate monopoly of violence, command over security forces, and autonomy from external actors.⁴²²

418 Waltz

419 Krasner, 'Abiding Sovereignty', p. 232

420 Zacher, 'The Territorial integrity Norm'.

421 Krasner, p. 233

422 Even if states cooperate on policing—say via Interpol—they use national structures. Interpol does not prescribe for states how to police their societies, except, perhaps states without policing structures are compelled to rely on foreign (e.g. UN-sanctioned) policing.

This dictates the exclusion of external state and organisational actors because external state agencies—militaries, intelligence outfits, or police forces—worry the affected state. They have coercive potential which directly negates the affected state’s monopoly of violence. They may erode the affected state’s authoritative control function that it exercises in countering other non-state actors, say, rebels and criminals.

Concerns about the fate of states’ ultimate authority also arise because states know that the creation of authority structures in the IO/RO with decision-making and control mandates would result in a supra-state actor. This competes with state agencies. To preserve core state structures, their functions, and states’ control over their security domains, states engage in “autarchic strivings toward greater self-sufficiency.”⁴²³ Examples of critical-sovereignty issues are policing armed rebellions, decisions regarding domestic leadership, and command over states’ security forces. These exemplify Thomson’s view that states “have a common interest in monopolising coercion within their territories.”⁴²⁴ This “common interest” creates incentives for states to avoid actions and processes that would empower external actors, like ROs or other states, to erode their meta-political authority. Theoretically, issue-avoidance aimed at preserving states’ meta-political authority stymies cooperation.

Intermediate SCs, however, are concerns about: (a) the acceptable level of costs in terms of state autonomy, control, and legitimacy vis-à-vis the expected benefits of cooperation; and (b) the costs of non-compliance to cooperating states given the challenge of enforcing compliance from recalcitrant sovereign entities. Here, the choice between cooperation and sovereignty is difficult due to the potential benefits of cooperation and erosion of states’ sovereign authority. Cooperation might require the creation of supra-state agencies that are parallel to states’ authority structures. States face a difficult choice. When they judge the given issues basing on their relationship to the state and the implications of cooperation for states’ ultimate authority, they realise potential compromises with their sovereign-ness if they are to gain from cooperation. The kinds of issues that evoke

423 Waltz, p. 106

424 Thomson, 226

intermediate SCs approximate Stein's "Collaboration Problems." While Waltz believes collaboration creates incentives for independent decisions because cheating benefits the defector, Stein argues otherwise.

According to Stein, collaboration problems raise dilemmas of common interest in which the equilibrium outcome is deficient for the non-cooperating actor. Actors have incentives to design collaborative measures for mutual assurance against cheating. While cheating might be promising to some actors in the short run, when other actors retaliate the consequences of retaliatory cheating are undesirable for all the actors.⁴²⁵ For instance, there are international collective goods "whose optimal provision can only be assured if states eschew the independent decisionmaking that would otherwise lead them to be free riders and would ultimately result in either suboptimal provision or [in] the nonprovision of the collective good."⁴²⁶ However, a high degree of formalisation is necessary to ensure compliance. Formalisation is necessary to specify "what [action or behaviour] constitutes cooperation and what constitutes cheating", monitor compliance, sanction recalcitrance, and ensure mutual guarantees of reciprocal behaviour.⁴²⁷ Formalisation may require supra-state authority structures that potentially compete with, if not erode, states' structures.⁴²⁸ Thinking about this evokes states' SCs because states would like to cooperate without losing their meta-political authority embodied in their governmental agencies.

The distinctive qualities of collaboration-problem issues, therefore, are: high costs to states' meta-political authority; promising benefits from cooperation; and the possibility and costs of cheating/defection. States would want to free-ride and increase their advantages over partners yet cheating's short-term potential benefits wane when others retaliate. Cooperation leads to *optimal outcomes only when no partner cheats*, a situation which demands reciprocal compliance that must be monitored and/or enforced using supra-state authority structures and decision-making apparatuses that may stand above or parallel to those of sovereign entities. As I later show,

425 Stein, p. 312

426 Stein, pp. 307-8

427 ibid

428 Fearon

concerns about authority structures that may superintend state agencies, thereby eroding states' meta-political authority, make it difficult for states to balance these competing preferences.

Stein exemplifies collaboration problems with tragedies of the commons, such as overfishing on common waters and over-grazing on common pasture. Non-cooperation results in collective sub-optimality: over-grazing, overfishing. "Collaboration-problem issues" may also include forming a single currency, and/or a federation between already-existing sovereign states: the former replaces states' fiscal and monetary authority while leading to a stronger currency; the latter their political sovereignty while creating bigger and possibly more powerful federal states. The compromises and benefits are difficult to balance.

Low-level SCs, however, are low-level as the name suggests. They are fears of how possible it is to obtain the desired equilibrium outcomes of cooperation while preserving, and/or enhancing, states' meta-political authority. States desire to retain independent decision-making and action. But they also value the optimal outcomes of cooperation on *issues of common concern*. The task is to address these competing preferences. States need to cooperate for in some issues non-cooperation leads to undesired outcomes. Low-level SCs are based on states' judgement that cooperation on common problems may not be erosive of sovereignty. However, convergence of states' expectations is necessary for cooperation to occur. Yet compared to other levels of SCs, "coordination-problem issues" evoke low-level SCs which allow states to devise suitable bargains that allow for convergence of expectations, specify the enforcement of agreements, and require limited-to-minimum costs for monitoring compliance.⁴²⁹ A classic example of coordination problems is the side of the road one drives along or the use of English as an international language of air traffic control to ease communication between air and ground aviation actors. *Coordination-problem issues* evoke low-level SCs for states wish to avoid dilemmas of common aversion.

⁴²⁹ Stein, p. 314

According to Stein, dilemmas of common aversion are undesired outcomes of non-cooperation that bedevil states that resort to independent decision making and action. States need measures for allowing “actors’ expectations to converge whenever the dilemma arises” in order to avoid mutually undesirable outcomes.⁴³⁰ These issues are less contentious and easier to solve since individual cheating is neither rewarding to defectors nor seriously threatening to compliant states. Actors must solve these dilemmas by coordinating their mutual efforts. Even when coordination is easy and can solve dilemmas of common aversion, low-level SCs play an influential role because coordination and interdependent decisions are needed for cooperation. Why? Because cooperation obliges states “to make and enforce certain laws.” As I show later, low-level SCs generate a process whereby the cooperation agreement is made “more palatable to states that might feel that their sovereignty is threatened by stronger measures” by allowing cooperating states to “retain decision-making autonomy.”⁴³¹ Retention of “decision-making autonomy” theoretically entails coordination of states’ efforts.

However, these SCs are low-level because states express less worry about loss of meta-political authority than they do when faced with critical-sovereignty or collaboration-problem issues. The low-intensity SCs may arise from states’ awareness that the given issues do not require cooperation practices that are inimical to the state’s meta-political authority. As I show in chapter 4, some issues are not only “common problems” that are exogenous to states, but may be handled in such a way as to obtain optimal outcomes without eroding state sovereignty. Litfin’s distinction between different environment issues and differences in the ease with which states can cooperate on them informs this conception of SCs. My taxonomy complements Litfin’s and Stein’s analyses of differential cooperation outcomes on different issues.

The novelty of the logic underlying the taxonomy of SCs is both general and specific. Generally, the taxonomy itself is an original contribution to our understanding of the origins of sovereignty bargaining. Scholars of

430 Ibid, p. 311

431 Litfin, p. 181

regionalism and international cooperation have hardly developed this or a similar taxonomy for they tended to focus on whether and how states overcome collective action problems. Little attention was paid to theorising sovereignty itself since Thomson's call. The taxonomy is a new way of reformulating and theorising sovereignty and turning it into an analytic category. It shows the basis of variations in different sovereignty bargains. With a different ontology from collective action theorising while still rooted in the rational choice approach, the taxonomy demonstrates how we can move from the "micro" to the "macro", from the national to the regional, such that we may adopt, for purposes of explaining international outcomes, a useful conceptualisation of the ontological and explanatory relationship between political actors (states) and international political outcomes (regional security-cooperation outcomes).⁴³² The logic behind this taxonomy—namely different sovereignty-related cost-benefit estimates states attach to cooperation on different security issues—indicates the importance of issue-based analysis of variations in cooperation outcomes that Litfin, Mattli, Stein hardly address. This may be useful beyond analysing security (non)cooperation even on non-security issues.

Specifically, the taxonomy shows that it is from different intensities of SCs that different bargaining techniques—normal, protracted, and non-bargains—apply to both security and non-security issues: protracted bargains obtain on monetary union in the EAC. Instead of limiting cooperation analysis to whether or not states are willing to cooperate for mutual gain or seek to free ride because of collective action problems⁴³³, or that states have relative gains considerations⁴³⁴, this taxonomy shows that SCs are mutual desires to avoid an undesired outcome of cooperation. The strategies—or to use Schmitter's language, "mechanisms"—by which states' mutual desires to preserve the ultimate sovereign authority can be pursued are sovereignty bargains. This is to assume that EAC

⁴³² See Wendt, 'The Agent-Structure Problem in International Relations Theory', pp. 338-9

⁴³³ Udehn; Chen, et al; Leppgold; Anna Mária Orbán, 2003. 'How to Solve International Collective Action Problems? Cooperation for Preserving the Global Environment'. *Society and Economy*, 25 (1):97-111.

⁴³⁴ Watz

states are desirous of preserving their monopoly on meta-political authority—whether or not they have overcome the Hobbesian problem. This novel elucidation of state desire may apply to different issue-areas and regions.

This taxonomical approach is vital for three reasons. First, it explains the simultaneity of cooperation and non-cooperation on different issues within the same RO. It traces non-cooperation on critical-sovereignty security issues from high-level SCs that generate non-bargains which stymie cooperation; in contrast to low-level SCs that engender normal bargains which lead to cooperation on coordination-problem security issues. Second, the bargaining literature tells us little about whence sovereignty bargains originate. Some scholars address the origins and influence of international bargaining generally.⁴³⁵ Those that examine sovereignty bargaining—Litfin and Mattli mainly—reveal sovereignty bargains as mechanisms by which cooperation affects state sovereignty. For Litfin, environmental cooperation (her IV) leads to reconfigurations in the practices and norms of sovereignty through sovereignty bargains. Mattli examines “the background conditions of sovereignty bargains”: economic hardships.⁴³⁶ Under these conditions, sovereignty bargains result in states’ decisions to join regional economic unions. I differ with them on the origin of sovereignty bargains. The bargains, I argue, arise from SCs. Through sovereignty bargains, states determine whether or not—and how—to cooperate on the given issues with due consideration for cooperation’s implication for states’ meta-political authority.

Finally, the approach contributes greatly to the cooperation debate with demonstrable sovereignty bargains. Some analysts underscore difficulties of “cooperation under anarchy”, such as enforcement problems due to anarchy (absence of supra-state authority), costs of non-compliance to compliant actors, and difficulties of sanctioning non-compliance.⁴³⁷ Others stress possibilities of cooperation regardless of anarchy. The resulting debate between those who emphasize *difficulties* and those who stress *possibilities* of cooperation centres on

435 Bearce, et al, ‘The Shadow of the Future and International Bargaining’; Fearon, ‘Bargaining, Enforcement and International Cooperation.’

436 Litfin; Mattli

437 Robert Jervis, 1978. ‘Cooperation Under the Security Dilemma.’ *World Politics*, 30 (2):167-214

anarchy's influence on cooperation. However, the debate does not clarify the place of sovereignty in the analyses because sovereignty is not theorised.⁴³⁸ When we derive causal analysis from the principle and practices of state sovereignty we can uncover strategies by which states transcend anarchic limitations to cooperation while retaining their sovereign-ness. Presenting SCs as an IV is valuable: it shows that anarchy—around which the cooperation debate revolve—is rooted in sovereignty. Minus sovereignty, there would not be anarchy: non-sovereign polities exist not in “anarchic” but in “hierarchical” relations.⁴³⁹ Thus, cooperation between sovereign entities that value their sovereign-ness follows sovereignty bargains. These bargains help states to work around anarchy to address the contention between cooperation and their sovereign-ness.

From this viewpoint, the contention between *difficulties* versus *possibilities* of cooperation becomes less divisive when we address issue-specificity from a SCs standpoint. This requires disaggregating the concept of sovereignty, instead of taking it as a monolithic whole.⁴⁴⁰ The principle of sovereignty is rooted in historical processes of socio-political development.⁴⁴¹ So, it should be theorised or problematised since it is evoked differently in varying contexts and by different issues. I maintain that different levels of SCs, through suitable sovereignty bargains, lead to the puzzling simultaneity of security cooperation and non-cooperation among EAC partner states. The challenge sovereign entities face regarding *difficulties* and *possibilities* of cooperation is issue-specific and sovereignty-informed. Sovereign entities need to engage each other in a manner that shapes cooperation without compromising their respective sovereign stature. Sovereignty bargaining is an effective strategy for handling pressures for cooperation and the desire to preserve states' sovereign authority.

438 Lipson; Baldwin; Thomson; Litfin

439 David Lake, 1996. 'Anarchy, Hierarchy, and the Variety of International Relations.' *International Organization*, 50 (1):1-33

440 Litfin; Thomson

441 Krasner, 'Westphalia and All That'; and 'Abiding Sovereignty'.

Sovereignty Bargains

Sovereignty Concerns produce a process of engagement among states desiring to cooperate, herein called “sovereignty bargaining”. This is a technique of engagement and/or negotiations among states revolving around sovereignty. It is not ideological, economic, cultural, or geostrategic bargaining. The bargaining techniques are shaped by the level of SCs. The bargains, in turn, give shape to the nature of regional security cooperation. Sovereignty bargains are strategies by which states strive to balance the demand for cooperation and the desire to preserve their sovereign sanctity; mechanisms through which different levels of SCs are causally associated with different cooperation outcomes on different issues. Each level of SCs engenders a suitable bargaining strategy for the given issues, reflecting differences in the intensity of states’ concerns about the fate of their meta-political authority that different issues evoke. The strategies may stymie cooperation; delay joint decisions on cooperation; or bring about negotiated consensus and cooperation (ref: Chapter 1, Figure 1 and Table 1). For reasons outside my scope of analysis, states may reach agreement but fail to implement it. I focus on why states agree to cooperate or not cooperate on the given issues, not whether and why they renege on their commitments. In security affairs, sovereignty bargains determine whether or not states cooperate on different security issues, hence simultaneous security cooperation and non-cooperation.

Variations in bargaining techniques resulting in cooperation on one hand and techniques that result in non-cooperation on another can occur within any issue-area. This viewpoint differs from Jervis and Lipson who imply that states’ fears differ with issue-areas. Their analyses would imply that high-level concerns over state survival and security hamper cooperation on security issues; while low-level concerns allow for economic cooperation.⁴⁴² However, as I argue here, issue-areas are not mapped onto one or another level of SCs. Issues within an issue-area are not the same. So, different SCs may lead to varying cooperation outcomes within the same issue-area

⁴⁴² Jervis ‘Security Regimes’; Lipson

depending on how states interpret different issues—within an issue-area—and states’ expectations regarding the implication of cooperation on different issues for states’ meta-political authority. This variation occurs in the security issue-area because states view different security issues differently, make different qualitative judgments on different security issues, and are aware that different security issues require different forms of cooperation with varying consequences for states’ ultimate political authority. This gives rise to different sovereignty bargains on different security issues, hence different cooperation outcomes on those different security issues. Mattli’s conclusion that “no two sovereignty bargains are structurally identical”⁴⁴³ comes in handy.

Analytically, sovereignty bargains differ from international bargains in which SCs are not the determinants of the bargaining strategy states employ. These bargains need not differ from other approaches to international negotiations. But the origin of bargains distinguishes *sovereignty* from *other* bargains. Where SCs are high-level or intermediate it changes the patterns and tactics of any given bargain. We cannot explain cooperation outcomes resulting from SCs by referring to, say, ideological, religio-political, racio-ethnic, or economic bargains. With sovereignty bargains states decide whether or not to cooperate, the scope and nature of cooperation, and cooperation practices, basing on their estimations on how cooperation might affect their sovereignty. Concerns about cooperation’s implications for states’ meta-political authority differ from worries about cooperation’s implication for, say, identity, socioeconomic well-being, or ideology. This would be a different question.⁴⁴⁴

Different Bargaining Strategies

High-level SCs engender “non-bargaining” strategies that approximate “autarchic strivings toward greater self-sufficiency” on the given issue.⁴⁴⁵ What non-bargains are, how they operate, and why states chose to employ them are key questions here. Non-bargains are sovereignty-based non-engagement strategies by which states

⁴⁴³ Litfin, pp. 179-80; Mattli, p. 175

⁴⁴⁴ It follows that where international bargaining is rooted in different motives, interests, and fears, the analyst needs to distinguish its origins from sovereignty. This is an analytic issue.

⁴⁴⁵ Waltz, p. 106

eschew security cooperation whose costs in terms of reduced meta-political authority exceed expected benefits of shared security responsibilities on the given issue. They entail non-decisions and non-actions on critical-sovereignty issues that are intended to avoid the aforementioned undesirable outcomes of cooperation. Rooted in high-level SCs, non-bargains include: (a) *opposition* to a given issue's inclusion in a common cooperation framework; and (b) purposeful silence about the issue during—and after—agenda setting processes.

Opposition involves institutional decisions and/or responses to pro-cooperation demands that validate non-cooperation on the given issue. Purposeful silence involves deliberately keeping quiet about a salient security issue during security-agenda-setting and hence its exclusion from cooperation agreements. Non-bargains analytically differ from Waltz's "condition of insecurity" and each state's *uncertainty* "about the other's future intentions and actions" that, he believes, "works against their cooperation."⁴⁴⁶ They are not rooted in relative gains considerations but in states' mutual desire to preserve their monopoly on meta-political authority. Thus, *silence* and *opposition* are key components of non-bargains because: first, they entail states' non-decisions and institutional decisions that result in non-cooperation; second, policy makers may use them deliberately and jointly; third, they affect the nature and scope of security cooperation by keeping critical-sovereignty issues off the cooperation framework; and fourth, they are empirically demonstrable.

Opposition and silence operate in such a way that an empirically salient security issue in the region does not feature on a regional security agenda or in states' negotiations on security cooperation. Decision-making organs, such as ministerial Councils, exclude it from their negotiation agendas and resulting agreements. When other actors outside of the decision-making channels demand cooperation on that issue, they are opposed using existing institutional processes. From a constructivist viewpoint, non-bargains involve ideational resistance to cooperation arrangements that states fear could erode states' ultimate sovereignty as Acharya argues.⁴⁴⁷ From

⁴⁴⁶ Ibid, p. 105.

⁴⁴⁷ Acharya, *Whose Ideas Matter?*

a rationalist viewpoint, non-bargains involve cost-benefit analyses: they are intended to prevent cooperation commitments, on critical-sovereignty issues, that threaten states' sovereign authority. This strategy was used to eschew cooperation on rebellions in the EAC the prevailing cooperation demands notwithstanding.

When faced with the possibility of cooperating on critical-sovereignty issues, states resort to non-bargains to avoid putting their meta-political authority at risk. I propose that states consider a combination of purposeful silence and opposition as necessary to avoid the risk of dependence on external actors for self-control and policing internal rebellion. States strive to avoid difficult compromises between their meta-political authority and cooperative security—compromises that may not be viable for critical-sovereignty issues. States, for instance, are aware that rebellions are directly linked to a particular state, and that cooperation practices needed on the issue require penetrative interference in states' affairs. Affected states that rely on the RO to contain internal dissent would become dependent on the RO for authoritative control and legitimate monopoly of violence, a key negation of their sovereign-ness. Waltz holds that a "state also worries lest it become dependent on others through cooperative endeavours and exchanges of goods and services."⁴⁴⁸ Interdependent states may not secure that which they depend on if it is controlled by other states or ROs: "states seek to control what they depend on or lessen the extent of their dependency."⁴⁴⁹ Example: dependence on the RO for a state's counterinsurgency operations contradicts states' legitimate monopoly of violence, and their mutual desire to monopolise meta-political authority. Non-bargaining helps states eschew cooperation on such issues whose handling, states believe, demands sovereign entities' self-sufficiency.

By categorising opposition and silence as non-bargains, I imply that *international bargaining is not limited to formal processes of negotiation*. Bargaining theorists do not address this strategy.⁴⁵⁰ Both bargaining and non-

448 Waltz, p. 106

449 ibid

450 Bearce, et al, 'The Shadow of the Future and International Bargaining'.

bargaining can be coexistent inasmuch as cooperation and non-cooperation can be. Non-bargains, therefore, may involve interdependent and/or joint decisions and/or non-decisions that result in non-cooperation without involving formal negotiations. Being restrictive strategy, non-bargaining precludes formal interstate engagement on the given issue. This allows states to exercise their decision-making power by creating or reinforcing values and practices that limit public consideration to only those issues that are not detrimental to states' sets of preferences—herein monopoly on meta-political authority.⁴⁵¹ I do not concept-stretch “international bargaining” here. Instead of limiting the concept to formal negotiations, *non-bargaining* gives it more analytical leverage.⁴⁵² In chapter 6 I show how silence and opposition stymied cooperation on armed rebellions in the EAC.

However, compared to non-bargains, intermediate SCs generate “protracted bargains”. These are bargains that involve balancing state sovereignty and the demand for cooperation on collaboration-problem issues. They are formal negotiations, but difficult and protracted ones. The negotiations involve wider and deeper consultations, repeated postponements of agreement, and delayed decisions. Actors' expectations hardly convergence during negotiations. And yet states hope to strike mutually acceptable bargaining outcome since continued autonomy on collaboration-problem issues is sub-optimal. Protractedness of bargains entails delays in determining the agreement's content and developing its implementation modalities. States are aware of potential gains from cooperating on the given issue but have difficulty arriving at equilibrium points. They strive persistently for cooperation equilibria that do not erode their sovereign authority. I already stressed the difficulty of establishing authority structures that superintend state structures and enforcing compliance upon sovereign entities. It may take several years to arrive at a common position: in the EAC, one can consider instances of unmet deadlines for reaching agreements on the monetary union. Compared to non-bargains that are rooted in high-level SCs—

451 On silent decision making, see: Peter Bachrach and Morton S. Baratz, 1962. ‘Two Faces of Power.’ *The American Political Science Review*, 56 (4):947-952.

452 On concept stretching, see Giovanni Sartori, 1970. ‘Concept Misformation in Comparative Politics.’ *The American Political Science Review*, 64 (4):1033-1053

and which are meant to avoid cooperation that directly threatens states' sovereign autonomy—protracted bargains (which are rooted in intermediate SCs) involve strategies for handling the difficult⁴⁵³ balance between reaping the benefits of cooperation and preservation of states' meta-political authority.

Bargains become protracted because states want to balance the demand for cooperation and desire to retain monopoly on meta-political authority. These contrasting preferences create difficulties of reaching cooperation agreement on issues that entail both authoritative control, such as monetary and fiscal policy that a single currency would regionalise; and collective benefits, such as stronger currency and ease of international trade through removal of delays and losses in currency exchanges. Therefore, protracted bargains also reflect states' desire to: (i) harmonise positions on how to preserve their sovereign authority; and (ii) agree on how to monitor compliance with agreements given the possibility and costs of cheating. The key concern is the authority structures needed to monitor compliance. Fearon's view on the agreement's content (harmonising positions on the bargaining problem) and its implementation (monitoring/enforcing compliance) is useful for two reasons. First, it echoes Stein's notion of formalisation in collaboration regimes that ties with my theorisation here. Second, it underlines states' concerns about the implications, for their stateliness, of interstate agencies.⁴⁵⁴ Again, Stein's argument is relevant: bargains on formalisation tend to be protracted for it takes time and effort to agree on authority structures that monitor compliance and sanction defection from sovereign entities.

Fearon does not link bargaining problems with sovereignty but demonstrates the concerns that inform protracted bargains: the content of interstate agreements and their implementation that constitute the nature and extent of cooperation (the agenda agreement and cooperation practices). Stein, however, exposes SCs: he addresses the tension between independent decision making and action and their sub-optimal outcomes on one hand, and

⁴⁵³ "Risks" differ from "difficulties". Risks put actors' preferences and meta-political authority in jeopardy; difficulties challenge the actors' ability to balance the need to cooperate and desire to uphold their sovereign-ness.

⁴⁵⁴ Fearon; Bearce et al; Stein

states' desire to address dilemmas of common interest through interdependence on the other. He shows that achieving optimal cooperation outcomes requires highly formalised regimes. States' apprehensions about formalisation creates difficulties for reaching agreement, hence protracted bargains. I propose that intermediate SCs make it difficult to harmonise national positions on the nature and scope of cooperation and monitor/enforce compliance while preserving states' meta-political authority. This, is *the* subject of protracted bargains.

Protracted bargains originate from intermediate SCs because states are aware that "once the international community has formalised a regime, agenda setting and information gathering are largely directed by new institutions, thereby *imposing serious limitations on the decision-making autonomy of the member states*."⁴⁵⁵ These fears create delays in reaching agreement, contrary to normal bargains where it is easier to reach agreement. Analytically, protracted bargains should inform Litfin's observed difficulty of cooperating on *intrastate environmental degradation*; normal bargains lead to agreed cooperation on *global environmental issues*.

Low-level SCs engender a bargaining process roughly known as "Normal Bargaining". Normal bargains need not be distinct from other kinds of bargains that involve formal processes of interstate negotiation. However, compared to high-level or intermediate SCs, which change the patterns and tactics of any given bargains, normal bargains include formal, consistent, and progressive negotiations. This is a consultative approach to decision making. The *depth* (how deep into the issue), *breadth* (how wide and diverse aspects of the issue states consider), and *longevity* of the negotiations before reaching consensus, distinguish *normal* from *protracted* bargaining. I posit the cut-off as follows: States start negotiations on different issues concurrently. They agree on one issue and take twice as much or more time to agree on the other. Or, states start negotiations on an issue when negotiations on a different issue have been ongoing for years. They agree on the latter issue before agreeing on the former on which their negotiations may have been continuous. Here, one issue involves *normal*,

455 Litfin, p. 182 (my emphasis)

the other *protracted*, bargains. Seen differently, normal bargains become protracted when agreement is suspended indefinitely, every round of negotiations generates new issues to address but are not addressed. The new concerns complicate the current stage of bargaining, creating new rounds of negotiation.

Through normal bargains, states reach negotiated consensus⁴⁵⁶ or agenda agreement on coordination-problem issues. This leads to the issues' inclusion in the cooperation instruments, and the implementation of agreed-upon cooperation practices. I do not imply total absence of contentious issues during normal bargaining. I imply that these contentions are easily resolved through negotiations, consensus-building, once these tensions do not significantly relate to state sovereignty. Consensus is possible because coordination-problem issues *require* regimes that accommodate states' concerns over autonomy, control, and legitimacy while helping states to avoid dilemmas of common aversion.⁴⁵⁷ Saying that issues "require" certain regimes implies that states know what it takes to cooperate on them. Consensus is also likely when states are aware, basing on their judgements and estimation of what it takes to cooperate on the given issue, that cooperation may enhance their sovereignty instead of eroding it. This is why bargains will revolve around enhancing states' authority structures.

Why states use normal bargaining is now clear: first, states have common interests in joint efforts that address common problems for mutual gain. To resolve coordination-problem issues states need coordination with one another. Though states are self-conscious as sovereign entities that negotiate cooperation on given issues from this very standpoint, the desire to avoid dilemmas of common aversion motivates them to negotiate for mutual gain. Second, non-cooperation on these issues promises no benefits and is sub-optimal, while cooperation promises immediate overwhelming benefits without [significant] violation of states' meta-political authority. This awareness leads to observable consistency and progress in negotiations.

456 Other forms of agreement—say majority vote—may apply in some contexts. But consensus is key in the EAC

457 Stein

Finally, cheating in coordination-problem issues is neither rewarding to defectors nor highly costly to compliant actors. Again, Stein's example of tragedies of the Hardinian tragedies of the commons—for instance over-fishing, seabed pollution, ozone layer depletion, environmental pollution and the failure to recognise necessity, etc—is illustrative.⁴⁵⁸ States have incentives to make and implement joint decisions. The interaction may also be self-interested. But states need not bargain hard. Can states bargain harder on issues that evoke low-level SCs? There is no reason to bargain hard on issues the cooperation on which may not compromise autonomy and authoritative control functions of the state. Even if we stressed non-rationalist considerations and issues like socio-cultural identity and historical similarity as Hemmer and Katzenstein do, the bargains appear to be normal. Where higher-level SCs obtain, as Acharya critiques Hemmer and Katzenstein, states tend to bargain harder.⁴⁵⁹ Otherwise, proof of and explanation for, non-sovereignty causes of bargaining harder becomes necessary. It follows that conceptual and analytic clarity and distinctions made between bargains that are rooted in SCs and those that may derive from other concerns is important in this study. Critical responses to this approach must appreciate this formulation for the manner in which political theorising addresses these ontological issues conditions our approach to the epistemological aspect of the bargaining problem.

I conclude that SCs incentivise states to distinguish among cooperation issues, between critical-sovereignty and coordination-problem security issues. Being the main actors in initiating the cooperation process and engaging in cooperation-related bargains, states retain control over the agenda-setting process. Accordingly, sovereignty bargaining is an important component of interstate engagement on cooperation. States employ appropriate bargains on each category of issues. They weigh the demand for cooperation against the desire to preserve their sovereign authority. In this way, sovereignty bargains lead to variations in outcomes: cooperation and non-cooperation. With issues that evoke high-level SCs, states use non-bargains to eschew cooperation out of fear

⁴⁵⁸ Hardin, 'The Tragedy of the Commons'

⁴⁵⁹ Hemmer and Katzenstein; Acharya, *Whose Ideas Matter?*

that cooperation might erode their meta-political authority. Given issues that evoke low-level SCs, states engage in normal bargains for they are aware that cooperation on these issues offers benefits like improved security without eroding states' sovereign authority. Therefore, simultaneous normal bargains and their resulting security cooperation; and non-bargains and their resulting security non-cooperation, is explainable with reference to SCs.

International/Regional Security Cooperation

Previous sections have indicated that varying SCs generate variations in sovereignty bargains that lead to varying international/regional security cooperation outcomes. These outcomes constitute regional cooperation frameworks specifying security-cooperation's nature and scope. The framework includes legal instruments like treaties, memoranda of understanding, and protocols; the security issues that are included in these instruments; aspects/scope of cooperation on these issues; and cooperation practices (agreement's implementation). Non-cooperation consists in the puzzling exclusion of a salient security issue from the agenda-setting process and cooperation agreement, hence absence of relevant interstate cooperation practices on that issue.

Cooperation instruments, and the norms, institutional practices, and cooperative tendencies they engender, approximate "security regimes."⁴⁶⁰ Regimes are interactive relations, patterned behaviours, and other-conscious practices. "A regime exists when the interaction between the parties is not unconstrained or is not based on independent decisionmaking... when patterned state behaviour results from joint rather than independent decisionmaking."⁴⁶¹ Stein believes states, unsatisfied with informal agreements, "require treaties to provide them with assurances that the other state will behave in a predictable fashion", for instance in criminals' extradition.⁴⁶² In security affairs, "institutionalised" and "formalised" regimes—mainly agreements—signify states' commitment to security cooperation. Actual and/or effective implementation of agreements is a question not of cooperation

⁴⁶⁰ Jervis

⁴⁶¹ Stein, p. 301

⁴⁶² Stein, p. 304

but of *compliance* and *cooperation effectiveness*. Cooperation may be bilateral, trilateral, regional, or global. It may target conventional (state-to-state) security threats or non-conventional threats (caused by non-state actors—criminal, terrorist, and insurgent groups—that challenge states’ monopoly of violence).⁴⁶³

Conventional security cooperation may entail *collective defense*, *collective security*, and *cooperative security*. Collective defence is an outward looking approach where security threats to a group of states come from outside of the group. At regional level, *members* of a security group *agree to defend themselves* against potential extra-regional attack. They arrange to protect each other from external aggression, but are not concerned with internal security issues.⁴⁶⁴ Collective security, however, is intra-group looking. It targets threats arising from within the group, and aims to prevent aggression within the region or among members of a security group. Since threats come from within the group, member-states—like of the UN and AU—agree to desist from war with each other, and thus to peacefully resolve their conflicts and militarily punish recalcitrant group members.⁴⁶⁵ Collective defence and collective security may coexist, provided for in one convention.

Cooperative security implies soft approaches to security. Here negotiations and other forms of diplomatic engagement—regular meetings, mediation, and arbitration—are given priority to resolve conflicts and promote pacific interstate relations.⁴⁶⁶ Pacific relations may evolve to a Deutschean “security community”.⁴⁶⁷ Here, states develop friendly relations to a point where interstate violence becomes unlikely due to a common identity and ideology, value compatibility, mutual responsiveness, and focus on non-traditional security issues. Security

463 Shunji Cui, 2013. ‘Beyond History: Non-Traditional Security Cooperation and the Construction of Northeast Asian International Society.’ *Journal of Contemporary China*, 22 (83):868-886

464 E.g. SADC, 2003, *The SADC Mutual Defence Pact*, Dar es Salaam: SADC

465 Hans Kelsen, 1948. ‘Collective Security and Collective Self-Defense under the Charter of the United Nations.’ *The American Journal of International Law*, 42 (4):783-796

466 Acharya and Goh.

467 Emmanuel Adler and Michael Barnett, eds., 1998. *Security Communities*. Cambridge Mass.: Cambridge University Press

communities are peaceful security groupings.⁴⁶⁸ Members believe “that they have come to agreement on at least this one point: that common social problems must and can be resolved by processes of ‘peaceful change.’”⁴⁶⁹

Some groupings like NATO are *almost* exclusively security-focused. Other organisations cover security and non-security issues. In the latter instance, security cooperation is a component of broad cooperation. Even then, states specify security cooperation in conventions. From these conventions, issues and scope of cooperation are empirically demonstrable. For example: a defence cooperation protocol may specify joint exercises, trainings and technical facilities, but exclude a common external defence policy. I avoid difficulties of measuring security cooperation that is unspecified in regional legal instruments. I do not judge the efficacy of cooperation practices. Instead, I focus on cooperation instruments, issues that are included or excluded, and scope of cooperation.⁴⁷⁰ This is useful for specifying the sovereignty bargains that inform these instruments.

Instruments of security cooperation are legally-binding conventions. They include memoranda, agreements, and protocols.⁴⁷¹ The instruments’ objectives, their principles, and mandate they give to actors allow us to determine actors’ limits and responsibility during implementation, and to identify the key sovereignty considerations that informed states’ decisions in developing these instruments: these considerations are normally specified as principles and objectives of cooperation. Issues that are specified in these instruments answer the question: “Cooperation on what and non-cooperation on what?” From specified issues, we discern which issues states cooperate on and which they do not. This constitutes my dichotomous variation—cooperation (issue inclusion in

468 Janice Lisa-Bially, 1998. *The Power Politics of Identity*, Yale: Yale University, PhD dissertation

469 Karl Wolfgang Deutsch, Sidney A. Burrell, and Robert A. Kann, 1957. *Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience*. Princeton NJ: Princeton University Press, p. 5; Andrej Tuscisny, 2007. ‘Security Communities and their Values: Taking Masses Seriously.’ *International Political Science Review*, 28 (4):425–449 (p. 426)

470 I assume that critical-sovereignty issues are excluded from a common agenda. States cannot, normally, include them in a cooperation framework while aware that such commitments threaten states’ meta-political authority.

471 On the “constitutive, institutive, consequential, and terminative rules” in international-legal instruments and their origins in the 1969 “Vienna Convention on the Law of Treaties”, see: Dick W. P. Ruiter, 1998. ‘Structuring Legal Institutions.’ *Law and Philosophy* 17 (3):215-232

common-agenda agreements) and non-cooperation (exclusion from cooperation agreements). Analytically, both cooperation and non-cooperation result from states' meta-political authority considerations.

When states agree to cooperate on the given issues they may limit cooperation to some activities. Hence, the *scope* and *practices* of cooperation are intertwined for they depend on the agreement's content and provisions. The agreement is not unchangeable. External threats, new perceptions after initial implementation, intra-RO contradictions, and/or enhanced sense of community, may lead to new bargains to change an existing instrument. These issues—of continuity and/or changes in cooperation over time—are beyond this study.

The message needs repeating: SCs engender sovereignty bargains that influence the nature and scope of regional security cooperation. Sovereignty bargains are intended to balance cooperation for mutual gain vs. preservation of states' meta-political authority. This balance is vital and inevitable for “power holders in the present system do not have an incentive to devise a new set of rules that would displace those associated with sovereignty.” Instead, security-cooperation arrangements “can coexist with alternatives that can be constructed voluntarily.”⁴⁷² States eschew potential rules that would “displace those associated with sovereignty” through non-bargains. They embrace those that uphold sovereignty through normal bargains. Therefore, sovereignty-bargaining involves weighing between sovereign continuity and improved security. While states desire improved security they covet their sovereign-ness because “the end of sovereignty would entail the end of the state's monopoly on meta-political authority.”⁴⁷³ Sovereignty bargains are useful in addressing this challenge.

To conclude: the taxonomy of SCs theorised here is rooted in the foundational consideration of the state as the main actor whose interest is in preserving its meta-political authority while also trying to reap the gains of cooperation. The difficult balance between interdependence and sovereignty continuity forces states to carefully

472 Krasner, p. 248
473 Thomson, p. 225

examine issues of cooperation, and devise appropriate bargaining strategies derived from the level of SCs a given issue evokes. I have theorised the link between SCs and security cooperation, arguing that different sovereignty-bargains, rooted in different SCs, lead to different cooperation outcomes. In Chapter 4, I examine—and contextualise in East Africa—the different security issues that evoke different levels of SCs. Chapters 5 and 6 demonstrate this theoretical argument: In Chapter 5, I show how normal bargains led to cooperation on various security issues in the EAC. In Chapter 6, I demonstrate that non-bargains allowed decision makers to “keep certain issues out of the public domain”⁴⁷⁴: stymieing cooperation on armed rebellions.

⁴⁷⁴ Bachrach and Baratz, p. 498

CHAPTER FOUR

DIFFERENT SECURITY ISSUES, DIFFERENT SOVEREIGNTY CONCERNS

Overview

Having theorised the relationship between SCs, sovereignty bargains, and security cooperation and/or non-cooperation in Chapter 3, three tasks remain: (i) developing a conceptual criterion for empirically recognising different levels of SCs in the EAC; (ii) examining the differences among security issues that evoke different levels of SCs; and (iii) linking (i) and (ii) to the sovereignty bargains indicated in Chapter 3. On (i), I indicate that though the boundaries between different levels of SCs are blurred, different security issues evoke different SCs when judged along three parameters: (a) whether states interpret the issue to be directly related to particular states or as a domestic matter; (b) the challenge of using intergovernmental agencies to resolve the issue; and (c) the extent to which states claim or otherwise project the belief that the issue should be managed with their own resources and authority structures as sovereign entities.

I argue that security issues that states consider to be foreign in nature and origin, do not target particular states, and can hardly be independently managed using national resources and structures, evoke low-level SCs that engender normal bargains on how to cooperatively address these issues. Conversely, security problems that are interpreted as domestic in origin and linked to particular states, which may demand regional structures that may superintend relevant national security agencies, and which states believe should be resolved using their own resources, evoke high-level SCs. They are excluded from cooperation agendas.

On (ii), I indicate that different security issues have acquired distinctive natures, in relation to the state as a key political actor, that make them evoke different levels of SCs. Particularly, security issues evoke low-level or high-level SCs: they do not induce intermediate SCs as theorised in Chapter 3. Coordination-problem issues, like terrorism, SALWs proliferation, and piracy, are interpreted as foreign in origin. They are not related to particular

states. They respect no state boundaries, are not limited within such boundaries in terms how states define these issues, and are indiscriminate in terms of who they target. Igniting incentives for their joint resolution, these issues evoke low-level SCs which engender normal-sovereignty bargains that lead to cooperation on them. However, critical-sovereignty issues like armed rebellions originate from, and begin as challenges to, particular states. They evoke state interests in autonomy and control during counterinsurgency operations, command over security forces, and monopoly of violence. They are directly related to origin states' self-images as sovereign entities. The necessary cooperation arrangements have erosive implications for states' meta-political authority.

On (iii), I link these distinctions with the different bargaining techniques employed on different issues. I argue that given the parameters above, states employ normal bargains on coordination-problem security issues in order to develop cooperation modalities for addressing them. But they employ non-bargains on rebellions to stymie cooperation for fear that cooperation would erode their meta-political authority.

I advance this argument in three sections. First, I sketch the general indicators of SCs, and of the different levels of SCs that are observable in the EAC along the taxonomy in Chapter 3. Second, I show why and how different security issues evoke different levels of SCs, showing how they came to be judged as coordination-problem or critical-sovereignty issues. Finally, I reiterate the logic of bargaining advanced in Chapter 3, linking different security issues with corresponding sovereignty-bargains and cooperation outcomes.

Sovereignty Concerns and their Variations

I argue in Chapter 3, that SCs are concerns about the potential erosion of states' meta-political authority in the process of trying to address prevailing security issues. Why and how states came to be concerned about their sovereign-ness is important to uncover. As self-conscious sovereign entities, states worry about the fate of their meta-political authority, which they have come to covet over time in the post-World War II international system. Before major interstate wars resulted in institutional frameworks like Westphalianism and today's United Nations

(UN) system, Hobbesian states strove to collectivise individual choices within a polity by developing and/or imposing “cooperative habits [among members of their respective publics to] solve the collective-action problem faced by a multitude of self-ruling citizens”, such that the new “republics are ultimately alliances for joint gain”⁴⁷⁵, that is, overcoming the Hobbesian problem of insecurity.⁴⁷⁶ Then followed politics between these nation states, which, owing to historical experiences of armed conflict, resulted in the institutional principle of sovereignty.⁴⁷⁷ Relations within Leviathans analytically differ from relations between them: domestic relations are regulated by state authority; those between states are less controlled for the institution of sovereignty creates an anarchic environment.⁴⁷⁸ Thus, international politics is a politics revolving around sovereignty.

From the foregoing viewpoint, anarchy is a product of conscious human choices that informed the course of socio-political development. If anarchy independently influences states’ choices and actions, as Waltz argues, then any new socio-political influences that might change the structure, such as by creating supra-state political entities, would create new hierarchies, hence the “variety of international relations.”⁴⁷⁹ But as yet no successful changes have created and sustained such non-anarchic international relations. Hence, anarchy is assumed to be a resilient by-product of the principle of state sovereignty. This principle informs IR theorising – whether or not one traces causation from the *structure* (anarchy or Wallenstein’s “World System”) or from *agents* (states).⁴⁸⁰ To say that the principle of state sovereignty promised to reduce interstate conflict is not to necessarily mean that it resolved the Hobbesian problem completely. It is to indicate that sovereignty allowed states to arrogate to themselves the meta-political authority necessary to monopolise violence within and between states, to become the major actors in international politics, and to ensure that major international outcomes respect state interests.

475 Markus Fischer, 1997. ‘Machiavelli’s Political Psychology.’ *The Review of Politics*, 59 (4):789-829 (p. 789)

476 Gaubatz

477 Charles Tilly, 1990. *Coercion, Capital, and European States, AD 990-1990*. Cambridge MA: Basil Blackwell; Ruggie; Krasner, Westphalia and All That’.

478 Waltz

479 Lake, ‘Anarchy, Hierarchy, and the Variety of International Relations’.

480 Wendt, ‘The Agent-Structure Problem in International Relations Theory.’

It becomes clear why states are interested in preserving their sovereign authority while also cooperating for mutual gain. Cooperation, then, depends upon, while also reinforcing, the principle of sovereignty. By the same principle the Hobbesian problem was domesticated, confined, and made an exclusive reserve of each state: states now arrogated to themselves authoritative control over their respective domains and laid claim to legitimate monopoly of violence. This granted sovereignty both its juridical and operational aspects. Today, the UN has extended this framework to post-colonial societies: first, to facilitate self-determination of those societies; second, to prevent possible future inter-imperial wars between states that initially fought for the spoils of other societies. The historical “eastern Question” comes to mind here⁴⁸¹: it revolved around the Ottoman Empire, its internal conflicts between “Mussulmans” and non-Mussulmans⁴⁸², and its disintegration that laid bare the spoils to share. This caused serious wars between power-hungry European states, such as the 1853-56 Crimean War, World War I, until the “European State System” was formed.⁴⁸³

Thanks to the UN, which concretised this “state system”, crises that constituted the “Eastern Question” need not cause interstate wars. Today, it is not the capacity of rulers to control their space that matters but recognition of a self-determining entity. This entity has acquired meta-political authority it seeks to preserve even as demands of cooperation arise. Therefore, collective action problems these entities face are not the only hindrances to cooperation. Instead, SCs are equally important. If Stein’s notion of the contention between states’ decisional autonomy and cooperation is to go by, then collective action problems would be overcome more easily through regimes and institutions absent SCs. The UN-based institutional environment emboldens states with SCs.

481 Edwin L. Godkin, 1877. ‘The Eastern Question’. *The North American Review*, 124 (254):106-126; Morris Jastrow Jr., 1920. *The Eastern Question and Its Solution*. Philadelphia: JP Lippincott. Godkin argues that the “eastern question” was the most challenging of all other ‘questions’ over the centuries in Europe: “The humiliation of the House of Austria, which was the aim of Continental reformers at the close of the sixteenth and the beginning of the seventeenth century; the humiliation of France, which was their aim during the latter part of the seventeenth and the beginning of the eighteenth century; and the reduction of the Pope to a condition of harmlessness, which has been one of their dreams for fully three centuries.”, p. 106

482 Godkin;

483 Tilly, pp. 161-187; Edward M. Earle, 1921. ‘The Eastern Question and Its Solution by Morris Jastrow’. *The Journal of International Relations*, 11 (3):505-509

The UN-based system entrenched the principle of state sovereignty worldwide, bringing non-European, post-colonial, societies to the fold of the state's sovereign sanctity. The UN principle of self-determination energised pro-independence struggles, setting in motion a decolonisation process that gave sovereign status to newly-independent states. African leaders quickly partook of that meta-political authority claim. They entrenched it in the OAU, founded in 1963, in three ways: (i) preservation of colonial-imposed state boundaries inherited at independence to avoid territorial conflicts, thereby upholding "the territorial integrity norm"⁴⁸⁴; (ii) proscribing interference in states' internal affairs to preserve states' political independence⁴⁸⁵; and (iii) mutual recognition and cooperation to address socioeconomic and political-security problems facing Africa. As Westphalian, territorial, juridical, and internal sovereignty became quickly engrained in the African political psychology and practice,⁴⁸⁶ the African state was conceived as a self-contained, self-governing entity.

The above self-conception unfolded as follows: "colonial independence abolished imperial prerogatives, a provision whose effect was to reproduce sovereign states."⁴⁸⁷ Since decolonisation, sovereignty is coveted in principle and practice. "The sovereign state has proven a remarkably robust form of authority" with the "power to constitute political authority, a power that is not only enduring but also robust, continuous, and expansive."⁴⁸⁸ African states respected their sovereign stature. They cooperated to preserve the newly-acquired meta-political authority.⁴⁸⁹ They fear losing their meta-political authority in trying to address some security issues. I propose that states express SCs when: (a) they expect or fear a loss of meta-political authority in an attempt to jointly address prevailing security issues; and (b) they invoke the historical, legal, and institutional idea of sovereign autonomy in considering solutions to those issues.

484 Zacher

485 OAU, 1963. *Charter of the Organisation of African Unity*. Addis Ababa: OAU

486 Herbst; Zacher

487 Daniel Philpott, 2001. 'Usurping the Sovereignty of Sovereignty.' *World Politics*, 53 (2):297-324 (p. 311)

488 Philpot, p. 311

489 Thomson

(a) The ***fear of losing meta-political authority*** is not uncommon among states facing different issues of cooperation.⁴⁹⁰ While states are aware that “the decision to belong to an international organisation is a sovereign decision [and] not an international one”⁴⁹¹, they fear losing their sovereign authority in trying to cooperate. During EAC negotiations, state officials strive to “protect the sovereign dignity of their countries”⁴⁹² by expressing reservations about penetrative authority structures for implementing cooperation agreements. Thus, observes an EAC official (political affairs), the greatest challenge to regional integration in East Africa is sovereignty⁴⁹³, an issue that recurred in many experts working groups’ meetings.⁴⁹⁴ I consider two empirical streams to underscore EAC partner states’ fear of losing sovereignty: states’ consistent expression of sovereignty-related fears; and resistance to the EAC’s involvement in states’ security affairs in preference for self-sufficiency.

According to the EALA’s Hon. Abdulkarim Harelimana, SCs in the EAC manifested in “fear of loss of political power, loss of decision making autonomy, and loss of flexibility in exercising powers at the national level.”⁴⁹⁵ These sovereign “powers” constitute states’ meta-political authority. A team of EAC-assigned experts, in political affairs, discovered sovereignty as “one of the most manifest challenges” to the EAC’s cooperation endeavours. In the security realm, it is “stated in terms of fear of losing security and defence force autonomy and identity.”⁴⁹⁶

Dr. Julius Tongus Rotich, the EAC’s Deputy Secretary-General (Political Affairs, International Relations, Peace and Security), indicates that national consultations on the political integration “brought out people’s concerns... about the loss of national identity and *independent national decision making*.”⁴⁹⁷ Rotich reveals that “political

490 Litfin; Stein

491 Confidential *Interview*, Arusha, 21 Sept 2012

492 Ibid.

493 Isabelle Waffubwa, *Interview*, Arusha, 20 September 2012

494 Field findings

495 EAC, 2010. *The East African Political Federation: Addressing East Africans’ Fears, Concerns and Challenges and Consolidating its Pillars – A Report by a Team of Experts*. Arusha: EAC; Abdulkarim Harelimana, 2011 (2 June). ‘The East African Political Federation: Addressing Fears, Concerns and Challenges’, presented to EALA Symposium 10th Anniversary, Arusha; EAC, p.5

496 EAC, *The East African Political Federation*, p. 21

497 Julius T Rotich, 2012. *Overview of the Process toward the East African Community Political Federation*. Arusha: EAC, 7 June 2012, pp. 13-14

dynamics are dictated by the sovereign nature of the Nation States [yet] there is need to cede some sovereignty to supranational institutions at regional level.”⁴⁹⁸ Ceding “some sovereignty” is difficult: it erodes states’ meta-political authority. States fear this loss. Besides, and partly as a result of this fear, EAC partner states consider it unacceptable to invite external actors to resolve their security problems and are opposed to the EAC’s involvement in some of the states’ security affairs regardless of these issues’ regional security implications.

(b) Besides the fear of eroding states’ meta-political authority, SCs can be observed in the ***invocation of historical political ideals and institutional principles of state sovereignty***. These principles and ideals are rooted in the UN and AU founding ideals that have since informed interactions among UN member-states. States invoke these principles more vigorously when faced with the challenge of cooperating on critical-sovereignty security issues but relax them when they need to cooperate on coordination-problem issues because of the perceived different implications of cooperating on different security issues for their stateliness. Key here are UN principles of “sovereign equality of all its members”⁴⁹⁹; respect for “territorial integrity and political independence of *any state*”, and non-interference in “matters which are essentially within the domestic jurisdiction of *any state*.”⁵⁰⁰ These sovereignty principles have created legal-political and normative restraint upon states.

In Africa, the AU echoes these principles. Member states agreed to “defend their sovereignty, their territorial integrity and independence”⁵⁰¹; to uphold “sovereign equality of all Member States”, non-interference in the “internal affairs of States”; and to respect “the sovereignty and territorial integrity of each State and [for] its inalienable right to independent existence.”⁵⁰² Since ROs in Africa operate under the AU they uphold these principles too. Expectedly, these ideals and principles inform cooperation in the EAC.⁵⁰³ States invoke these

498 Ibid, p. 29

499 This is regardless of states’ geospatial size, demographic numeracy, resources, development, technology, and military capacity

500 UN, 1945. *Charter of the United Nations*. San Francisco: UN, Articles 1 & 2

501 OAU, *Charter*, Art II(C)

502 OAU Charter, Art III(1)–(3). Also see: AU, 2000. *Constitutive Act of the African Union*. Addis Ababa: AU, Art. 4

503 Treaty; Peace and Security Protocol, and Defence Protocol

principles out of fear that cooperation may erode their ultimate political authority. Accordingly, the norms of sovereignty exercise influence “by constituting the very polities that enjoy sovereignty and the very international system that helps establish their authority.”⁵⁰⁴ States, then, protect these principles as the basis of statehood for by upholding the principles they retain their coveted meta-political authority.

The entrenchment of UN and AU principles of sovereignty had three consequences relevant for this study: first, it created difficulties for transiting “from non-intervention to non-indifference”⁵⁰⁵ in managing the African security landscape because these conventions created legal, political, geostrategic, and normative restraint upon states. Each post-colonial state pursued independent foreign and domestic policies. This exacerbated differences among these sovereign entities. Differences among “post-independence African leaders allowed neither a supranational organisation nor a stronger defence structure” which Nkrumah had envisioned. Instead, attention focused on interstate territorial disputes as states eschewed cooperation on transnational rebellions.⁵⁰⁶

Second, the UN and AU charters entrenched states’ self-conceptions as sovereign entities. This encouraged African states to cultivate their meta-political authority through unilateral responses to conflicts originating within states and by avoiding interference in states’ internal affairs: “At the heart of the OAU policy on civil wars was the principle of non-interference in the domestic affairs of member states.”⁵⁰⁷ This stymied precedence and provided the institutional benchmark for evoking these principles whenever intrastate armed conflicts spilt over to neighbouring states. It also stymied possibilities of developing common security approaches in the continent to address prevailing security threats. Thus was entrenched self-reliance as the norm of security governance.

Third, ROs under the AU reproduced and upheld conventions and legal-political restraints that seek to preserve states’ recently-acquired meta-political authority by entrenching the state’s sovereign sanctity. Though “the

504 Philpot, p. 299

505 Williams

506 Touray, p. 637-8

507 Touray, p. 638

escalation of violent conflicts across the continent, with their attendant implications for regions” necessitated “a reappraisal of security and national sovereignty”, measures were limited to mediation and observer missions in extreme circumstances like 1994 Rwanda.⁵⁰⁸ Thus, though “regional initiatives constitute the building blocks of the new pan-African defence and security policy”, they remain sovereignty-sensitive. The AU-level institutional change from non-intervention to non-indifference is not only limited to “grave circumstances” but has not trickled down to ROs.⁵⁰⁹ The reason is simple: a sovereignty-laden “high politics” stymies cooperation at RO-level, as McCormick argues.⁵¹⁰ Hence, provisions on strict respect for sovereignty, territorial integrity, non-interference, and independence in the EAC’s protocols⁵¹¹ are unsurprising.

Recall my taxonomy of SCs. I observe two self-explanatory indicators of high-level SCs: (a) the fear of losing sovereignty, which I have addressed; and (b) preference for self-sufficiency in addressing some problems. Evidence of (b) consists in the unwillingness of both beleaguered and relatively peaceful states to get involved in addressing rebel conflicts in the region even as these conflicts spill over to neighbouring countries. Some Heads of States have publicly stated that states should be left to autonomously resolve their conflicts, a view corroborated by many informants.⁵¹² States project the belief that, as sovereign entities, they should handle domestic-originated security issues. States also dislike external actors’ involvement in internal-originated insecurity. What Ruhangisa calls “No Jurisdiction and Sovereignty syndromes”⁵¹³ are signs of SCs that restrict the EAC’s mandate. On the whole, states tend to preclude the EAC from solving some security issues for fear

508 Touray, p. 639. Recent exceptions include AMISOM, ECOMOG and ECOMIL, and the ICGLR’s NIF in the DRC

509 Ibid. Missions deployed in “grave circumstances” like UNAMID, MONUC, and AMISOM, have limited mandates.

510 McCormick, p. 86

511 EAC, Peace and Security Protocol; Defence Protocol; Confidential, Nairobi, 19 Sept. 2012.

512 Yoweri Kaguta Museveni, HE, 2013 (10 April). *Speech at the Inauguration of President-elect, Uhuru Muigai Kenyatta* (from <http://www.newvision.co.ug/news/641546-museveni-s-speech-at-uhuru-s-inauguration.html>, 5 February 2014). Kampala: *The New Vision*; Uhuru Muigai Kenyatta, HE, 2013 (10 April). *Inaugural Speech*, Nairobi: Daily Nation (accessed 20 March 2014, from: <http://www.nation.co.ke/oped/Opinion/Inaugural-Speech-Uhuru-Muigai-Kenyatta/-/440808/1743996/-/b4jqhpz/-/index.html>); Several Interviewees, East Africa, August-December 2012

513 John Eudes Ruhangisa, 2011. ‘East African Court of Justice.’ Presented during the Sensitisation Workshop on the Role of the EACJ in the EAC Integration, Imperial Royale Hotel, Kampala, Uganda, 1–2 Nov. 2011, p.32

that such involvement might erode states' meta-political authority. As theorised in Chapter 3, these SCs engender non-bargains that stymie cooperation on those issues.

The two indicators of intermediate SCs are: (a) fears about penetrative regional security structures; and (b) expression of uncertainty about compliance. On (a), states worry that authority structures needed to cooperate on some issues like monetary union may compete with national structures, such as monetary and fiscal authority structures. This threatens states' meta-political authority since authority structures embody states' sovereign powers. These fears have typified negotiations on the monetary union.⁵¹⁴ On (b), EAC partner states are aware that sovereign entities are not answerable to any higher authority. Cooperation depends more on political will⁵¹⁵: regional legal compulsion and sanctioning are not the norm. The EAC has no "foundation for a central decision-making mechanism"⁵¹⁶ and no institutional-structural apparatus for enforcing compliance. Consequently, compliance is linked to sovereignty: the "absence of practical ramifications/penalties/sanctions for non-implementation of decisions/policies by Partner States" and "lack of a regional monitoring and follow up mechanism to enforce implementation of decisions and policies"⁵¹⁷ may encourage impunity. As a result, agreement on collaboration-problem issues like monetary union remains elusive.

Low-level SCs can be seen in: (a) expressed desires to jointly address "common security challenges"; (b) the desire to retain states' control over decision-making processes; and (b) preference for the centrality of state structures in cooperation processes. (a) is self-explanatory. On (b), EAC organs that are not answerable to partner states, like Legislative Assembly, Secretariat, and Court of Justice, have very limited decision-making powers. They cannot compel the ministerial Council to make certain decisions or act on these organs' decisions.

514 EAC, *The East African Political Federation*; Oliver Mathenge, 2014 (7 March). 'East Africa: Njonjo Calls for Vote to Remove Kenya From EAC.' Nairobi: The Star (online: <http://www.the-star.co.ke/news/article-158128/njonjo-calls-vote-remove-kenya-eac>, 11 March 2014). On Njonjo's and McKenzie's alleged role in the EAC's 1977 dissolution, See: Ogot, *My Footprints on the Sands of Time*

515 Political goodwill, not legal compulsion, is key. Example: states that appear to ignore Article 8 of the Treaty—which demands domestication of the EAC Treaty and protocols in national laws—have not been sanctioned.

516 Rotich, p. 29

517 Rotich, p. 30

Instead, they receive directives from the Council, which also determines the regional Court's mandate. This implies that Council members, who report to national parliaments and executives, control the EAC with limited, if any, institutional checks from other organs.⁵¹⁸ State-dominated decision making is also reflected in consensus that is required from the technical committee to Council before reaching agreement.⁵¹⁹ Consensus gives states equal veto powers on EAC decisions. This may delay decisions for all sovereigns must agree: "decision making by consensus means [that] the pace of integration is dictated by the slowest member."⁵²⁰ But it prevents the imposition of decisions on sovereign states. Sovereign co-preservation and consensual decisions are linked.

On centrality of *state structures in the cooperation process*, I already stressed that national agencies embody states' meta-political authority in symbolic and operational terms. Symbolically, they show that the state has independently-constituted authority structures with which it carries out autonomous functions as a sovereign entity. Operationally, they exercise the state's control functions. Through these structures, states make and enforce decisions within their domains or in coordination with other states. EAC partner states avoid regional institutions that compete with state structures. A key informant revealed that "the sluggish movement to strengthen regional institutions arises because of sovereignty concerns. They [states] know 'if we open up too much we are going to lose out'."⁵²¹ Instead, states prefer to establish and/or strengthen national—not regional—agencies to initiate and implement regional programs. States coordinate their agencies with the belief that "*coordinating the efforts... in regional security matters*" can help states to address "common security problems" facing the region.⁵²² While states desire to transform the region "from a zone of conflict and underdevelopment into a space for stability and prosperity"⁵²³, their efforts are "*coordinated*", not *combined*, not regionalised

518 EAC Treaty, Ch. 5, 8, & 9; EAC, Protocol on Decision Making

519 Treaty, Art. 23; Protocol on Decision Making

520 Rotich, p. 30

521 Kadonya, *Interview*

522 Julius Kagamba, 2007. 'Regional Peace and Security Initiatives in the Great Lakes Region and the Horn of Africa.' Presentation for the Induction of new FSOs, 18 July 2007). Kampala: MOFA, p. 14

523 Ibid, p. 3

measures. Instead, national agencies remain central to initiation, decision making, and implementation of programs. The RO's minor role is limited to coordination. Having outlined the SCs and their variations, it is important to show how different levels of SCs that different security issues evoke can be discerned.

Discerning Levels of SCs that Different Security Issues Evoked

The above observations indicate SCs generally and its different levels specifically. Yet, different security issues evoke different levels of SCs. The particular level of SCs provoked by a given security issue shapes the kind of bargaining strategy—or sovereignty bargain—that a state deploys in the negotiations that set the regional agenda. What is needed to empirically illustrate this process, thus, is some framework for discerning the intensity of SCs a state expresses in relation to any given issue. As a starting point I re-echo the three levels of SCs in Chapter 3: low, medium, and high. The boundaries naturally blur. But the key point, as I now argue, is that the level of SCs evoked by either coordination-problem or critical-sovereignty security issues is discernible along three key parameters. These are: a) the extent to which states interpret and/or represent the issue as a domestic matter; b) the necessity and relevance of inter-state arrangements or bureaucracies for resolving the problem; and c) the extent to which the state claims or otherwise projects the belief that the issue can be managed with its own resources. I tabulate these issues before elaborating on them.

Table 4: Different Security Issues, Different Sovereignty Parameters

SOVEREIGNTY Parameters	SECURITY ISSUES	
	Coordination-Problem Issues (e.g. <i>Terrorism; SALWs proliferation; Piracy</i>)	Critical-Sovereignty Issues (e.g. <i>armed rebellions; command over security services; counter-insurgency</i>)
<i>Domestic Vs Foreign</i>	Interpreted as foreign in origin: Not originate from within states. Do not target particular States. Transcend state identity	Interpreted as originating within a state. Arise from or in relation to particular states even if they are transnational in

<i>Interpretation of Security Issue.</i>	in origin, self-conception and states' conception of them. Therefore, are "common problems".	nature and implications. Identifiable with a State of origin. Particular states appear responsible for the problem.
<i>Necessity of Inter-State Agencies for resolving the problem.</i>	National authority structures/agencies to implement agreements. State agencies needed to "coordinate" - not <i>combine</i> – responses. Interstate/regional structures needed for mobilisation and distribution of resources/assistance to national agencies.	Regional agency needed for collective efforts to address deep-seated causal, historical, & structural motives, and/or to facilitate peaceful means. Yet, regional agency may usurp states' security roles. Regional/foreign troops' deployment in case of military means - raising issues of joint command, monopoly of violence, independence, territorial integrity.
<i>States' Claim to Resolve Issues Independently.</i>	Limited authoritative control since no state controls international origins. Interdependence needed because of transnational nature. Independent decision making and action suboptimal – hence low states' claim of autonomy.	Sovereign entity expected to resolve the issue independently to retain autonomy, control, & legitimacy. Autonomy in policing internal rebellion, command & control over armed forces, legitimate monopoly of violence, & territorial integrity key to sovereign stature.

Source: This Analysis; Field Findings

Table 4 indicates that the more foreign/international/transnational the source of the problem is judged to be the lower the level of SCs it evokes. But a problem which states interpret to be internal in origin and something that sovereign entities should be able or are legitimately mandated to resolve evokes high-level SCs. Security issues which are interpreted as domestic in nature regardless of their transnational security implications; which require interstate agencies for their resolution; and which states believe they should address as sovereign entities, are critical-sovereignty issues and tend to evoke high-level SCs. Security issues which are foreign in origin, for which states require coordinated responses, and which states cannot unilaterally address, tend to evoke low-level SCs. Issues that involve both sovereignty costs and benefits to weigh as states admit the importance of collective

efforts but may not do so alone, evoke intermediate SCs. Such issues require collaboration regimes.⁵²⁴ Here I focus on coordination-problem and critical-sovereignty issues because they are observable in the EAC's security realm. This categorisation contrasts rebellions with other security issues along these parameters.

Domestic Vs International Interpretation of the Problem

Contemporary states face myriad security issues that are both domestic and international in origin. Security issues which are considered international/transnational in origin tend to evoke low-level SCs in the EAC because they are not attributed to particular states. They are considered to be “common problems”. In African security parlance, “*Common security threats*” evoke cooperative responses for they are “threats to one or more member states” [of the AU] that emanate from within and outside the continent. Intra-Africa threats “are those which threaten national sovereignty and territorial integrity”, including foreign attacks and/or grave circumstances: “war crimes, genocide, and crimes against humanity.”⁵²⁵ This definition excludes rebellions unless they lead to “grave circumstances.” States consider issues like terrorism, SALWs proliferation, and piracy, as foreign in origin. They are neither directly connected to particular states nor associated with any state's domestic governance. They do not arise from and/or in relation to specific states.⁵²⁶ Instead, they are transnational and respect no national boundaries. Even then, the issues evoke low-level SCs observable in the form of states' desire to retain control over the decision-making process in the EAC and preference for state structures in cooperation processes.

Conversely, armed rebellions, though transnational in nature and security implications, evoke high-level SCs for they are interpreted as domestic in origin/nature, and are associated with particular states. Rebellions, for instance, are intrinsic to the state as a politically contested domain and as an organisation imbued with security governance, authoritative control, and monopoly of violence within its territorial domain. Informants called them

524 Stein

525 Touray, p. 642

526 Field findings. EAC, Peace and Security Strategy

“Sensitive Issues” because they touch the core of statehood.⁵²⁷ They are perceived to originate from and target, particular states—because of weak state controls, resource endowments, intrastate governance challenges, geopolitics, or trans-border ethnic configurations. These issues evoke SCs to such a degree that states think they are “not a federation” and must remain “in charge of their own affairs.”⁵²⁸

Rebellions’ transnational dimension and security implications are blurred by these perceptions. States believe a clearly-defined sovereign entity with legitimate monopoly of violence and control over means of violence is responsible to handle them. Thus, they “must first be a concern of the state before the EAC can come in.”⁵²⁹ Dr Rotich accepts that rebellions affect regional security. But he insists that a rebellion “remains a concern of the partner state” because “we do not move to police other countries” since “we are still sovereign states although we are integrating.”⁵³⁰ It appears states tolerate each other’s rebellions’ spill-over effects so as to avoid arguing for collaboration against these rebel groups. From these standpoints, the fear of losing meta-political authority and preference for self-sufficiency in handling rebellions, which I already underlined, become intelligible.

Inter-State Agencies for Resolving the Problem

Having identified security issues as either transnational or domestic, how necessary and relevant would an intergovernmental agency for resolving such issues be? In addressing this poser, I agree with Litfin’s distinction between different issues and differences in the ease of cooperating on them. She reveals states’ awareness that cooperation would constrain their “decisional autonomy by obliging them to make and enforce certain laws.”⁵³¹ States face a challenge of establishing collective bureaucracies for addressing security issues while making the agreement “more palatable to states that might feel that their sovereignty is threatened by stronger

527 Kadonya, *Interview*; Confidential sources

528 Odette Nyiramilimo, Hon, *Interview*, Nairobi, 7 Sept. 2012

529 *Interviews*: Brig. Gen Fabien Nzisabira, Bujumbura/Burundi, August 2012; Kaguta, Kadonya, Sserwadda, and Waffubwa

530 Rotich, *Interview*

531 Litfin, p. 181

measures.”⁵³² Security issues which require cooperative bureaucracies that may replace or superintend state agencies are critical-sovereignty issues: cooperation on them would erode states’ authoritative control over their security domains. Such issues evoke high-level SCs. Those that may allow for cooperation in “ways through which states retain [a significant degree of] decision making autonomy”⁵³³ are coordination-problem issues and evoke low-level SCs because coordination revolves around state agencies handling the particular issue.

The domestic/international interpretation of the security issue’s origins, already addressed; and states’ belief about independent solutions (next sub-section), inhere in states’ self-awareness as sovereign entities. The *regional agencies* parameter raises the question of how states judge that cooperating on a given security issue requires such agencies. Experience is the starting point. States need not hold negotiations on a security issue to discern the necessity of such agencies because: (i) from Uganda’s, Rwanda’s, and others’ experiences, “a high proportion of peace settlements break down”⁵³⁴ perhaps because the measures are one-off, and not enforced/monitored. (ii) Different security issues involve different dynamics. Transnational rebellions are the most organised forms of political-security violence. To ensure that rebels disarm and demobilise under the aegis of the EAC, the RO needs an agency to oversee the process—which goes beyond coordination. (iii) States are aware that long-term joint solutions, whether involving multilaterally-negotiated settlements or military solutions, cannot be simply coordinated; they must be designed, implemented, and monitored. And as Adedeji reveals, long term solutions require addressing the fundamental causes and histories of rebel conflicts.

The difference between coordinated and combined agencies is significant: The former allow states to control agenda-setting and implementation; the latter require regional structures. The former embody and preserve states’ meta-political authority. The later erode the state’s authoritative-control powers otherwise embodied in

532 Ibid, p. 181

533 Litfin, p. 181

534 Anke Hoefler, 2008. ‘Dealing with the Consequences of Violent Conflicts in Africa: Background Paper for the African Development Bank Report 2008.’ Oxford: Centre for the Study of African Economies, p. 1

its authority structures. Hence, on coordination-problem issues states desire coordinated responses; on critical-sovereignty issues states fear losing their meta-political authority in trying to cooperate on them.

Cooperation on coordination-problem security issues is considered to be least inimical to states' meta-political authority, but may enhance states' control capacities by establishing and facilitating state structures. States know that they can retain control over decision-making and implementation processes, and that unilateral measures are less beneficial than coordination. Non-cooperation on such issues is not beneficial to any state. And yet non-cooperation on rebellions preserves internal-control autonomy.⁵³⁵ Refusing to coordinate national counterterrorism efforts does not make any state safer from terrorism. States need not oversee each other's operations. After the 13th Council of Ministers meeting (held in November 2006) adopted the EAC security agenda—a “Regional Strategy on Peace and Security in the East African Community”⁵³⁶ that was operationalised through relevant protocols⁵³⁷—states established their national authority structures: NFPs on SALWs.

On terrorism, each state set up its own anti-terror agency. Burundi has an “Anti-Terror Cell”. Kenya's Prevention of Terrorism Act, 2012, allows for coordinated multi-agency responses. Rwanda coordinates various security agencies: its 2012 Penal Code prohibits terrorist and related financing. Uganda formed a multi-agency “Joint Anti-Terrorism Task Force (JATT)”. Tanzania established an interagency “National Counterterrorism Centre (NCTC)”.⁵³⁸ These agencies operated independently with limited coordination until recently: Following a terrorist attack on the Westgate Mall in Nairobi, in October 2013, heads of police from all EAC partner states convened in Kampala, discussed the region's counterterrorism modalities, agreed to establish a counterterrorism planning desk based in Rwanda, and to regularly meet and share best practices. These commitments are not fully

535 EAC, Various

536 Kiraso, *Strategy for Regional Peace and Security in East Africa*, foreword

537 Peace and Security Protocol; RECSA, 2004. *Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa, and Bordering States*. Nairobi: RECSA (hereinafter, “Nairobi Protocol”)

538 Country Report on Terrorism, 2012, pp. 11-39

operationalised yet. But they show willingness to “coordinate” national agencies’ efforts.⁵³⁹ These agencies are national structures that need only coordination. One means of coordinating EAC partner states’ national efforts entails mobilisation of resources. For instance, the EAC secretariat acquires resources from Germany’s *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ: German Agency for International Cooperation) for the EAC’s SALWs program⁵⁴⁰ and channels these resources to states’ anti-SALWs agencies.

However, similar endeavours are difficult for rebellions for fear that rebellions require EAC arrangements that oversee states’ counterinsurgency measures. States’ paranoia about direct threats to their stateness evokes the assumption that joint anti-rebellion measures will inevitably culminate in the erosion of states’ meta-political authority. So, even if some hypothetical consensual agreement and cooperative effort might help states to address rebellions and enhance both security and states’ internal control, states do not consider negotiating toward this possibility. Why? Because states think that rebellions originally affect particular states and should be dealt with unilaterally. This refusal to negotiate toward a cooperative end prevents states from appreciating how cooperation could hypothetically help to resolve the issue without harming their sovereign-ness. Rather, qualms about the cooperation measures needed to address rebel insecurity and the anticipation of sovereignty-eroding costs, blur this realisation.⁵⁴¹ To clearly illustrate this, I contrast peaceful and military solutions.

Peaceful measures the EAC may use to address rebel conflicts include consensual delegitimation (subject to intrastate governance improvements), negotiated settlements, lobbying the wider international community, and sanctioning recalcitrant rebel groups and governments alike. The EAC would require an independent agency to monitor rebels’ and beleaguered governments’ compliance with agreed measures. However, several intricacies complicate peaceful solutions at regional level. First, rebel movements cannot participate in negotiations on the

539 Country Reports on Terrorism, 2013, p. 41

540 GIZ, 2012. *EAC-GIZ Program ‘Promotion of Peace and Security’*; 2011. *EAC-GIZ Peace and Security Program: Curbing the Proliferation of SALWs and Strengthening the EAC Peace and Security Department*. Arusha: GIZ

541 Interviews from Burundi, Entebbe, and Arusha

cooperation principles stressed in conventions which may later be used to peacefully resolve armed conflicts. They cannot participate in security agenda setting in an intergovernmental organisation. Why? Rebel leaders do not wield sovereign authority: they lack legitimacy to participate in interstate processes between sovereigns. Consequently, decisions are made by, and enforced in favour of, actors with a common interest to monopolise meta-political authority.⁵⁴² Second, when issues of origin and causation arise, intervention in the state's internal affairs is inevitable. For the EAC to address armed conflicts' underlying causes—whether these be “objective grievances” or selfishness/greed⁵⁴³—domestic governance in conflict-affected states ought to be regionalised. Penetrative interference in the state's domestic affairs would be necessary here. The operations of a regional agency with such a mandate would violate states' right to independent governance within their territories.

Finally, peaceful means have previously failed in East Africa and beyond (next section). Historical experience and recent data make doubtful the sustainability of peaceful armed-conflict settlements: “the longer-term analysis has shown that negotiated settlements have tended to lead to greater likelihood of war and repression”, costly war recurrence, greater loss of lives, destruction of property, and escalation of violence.⁵⁴⁴ Toft's findings agree with Adedeji's, that peaceful solutions have always been abortive.⁵⁴⁵ This perhaps denudes overreliance on ad hoc measures and absence of strong international agencies for sustaining peaceful solutions. Yet such agencies would superintend states' governance agencies, leading to “irritations with IO autonomy.”⁵⁴⁶ The EAC can only resolve rebel conflicts when, paraphrasing Adedeji, it masters their underlying causes and histories. Beyond peaceful means, consider sanctions and militarised punishment as hypothetical approaches.

⁵⁴² Thomson, p. 219-33

⁵⁴³ James Fearon and David Laitin, 2003. 'Ethnicity, Insurgency and Civil War.' *American Political Science Review*, 97 (1):75-90; Paul Collier and Anke Hoeffler, 2002. *Greed and Grievance in Civil War*. Oxford: World Bank – CSAE WPS/2002-01

⁵⁴⁴ Monica Duffy Toft, 2010. 'Ending Civil Wars: A Case for Rebel Victory.' *International Security*, 34 (4):7-36 (p.35-36)

⁵⁴⁵ Adebayo Adedeji, 'Comprehending African Conflicts', in Adedeji, ed., 1999. *Comprehending and Mastering African Conflicts: The Search for Sustainable Peace and Good Governance*. London & New York: Zed Books, p.10

⁵⁴⁶ Abbot and Snidal

States believe that for the RO to sanction a government that wields a state's meta-political authority, it would need to monitor and evaluate the state's governance issues that caused the conflict. Some of these may be structural, historical, or both.⁵⁴⁷ The RO would also need to monitor rebel leaders and their soldiers, many of whom would have already joined the society over which the beleaguered government rules. Serious interference in the state's internal affairs would be needed to effect this lengthy process and to estimate the extent of government's or the rebel group's reneging on the settlement terms. Sanctions might also worsen the country's socioeconomic conditions, the "objective grievances"⁵⁴⁸, hence conflict recurrence. If military in nature, sanctions may weaken the state's ability to secure itself, eroding its monopoly of violence and control functions.

Consider militarised punishment against recalcitrant actors in a rebel conflict: the RO would need a centrally-commanded regional military force. Command over security forces is "constitutional in nature" and vested with Heads of States: "such responsibilities are difficult to share" among sovereigns.⁵⁴⁹ Who will command those forces: the leadership of the state on whose territory they are deployed? That of the sending state? Or some EAC-based command-and-control system? An authority commanding the means of violence in a given territory rules over that territory: one of the cardinal elements of sovereign statehood is monopoly of violence. The concerned state would have forfeited its meta-political authority of command and control to the RO,⁵⁵⁰ placing itself at the mercy of the intervening state(s). This existential threat to the *stateness* of the state exacerbates the fear of eroding states' meta-political authority in trying to address rebellions.

Militarily punishing a reneging government requires much prior monitoring, investigation, and preparations that in their natures interfere in that state's internal affairs. This is a thorny path to tread for the EAC is founded on sovereignty-sensitive historical and operational principles. Punishing a reneging rebel group requires combining

547 E.g. Fearon and Laitin.

548 On the debate between objective grievances and selfish/greedy causes of civil war, see: Collier and Hoeffler, 'Greed and Grievance in Civil War'

549 Confidential, Nairobi, 22 August 2012

550 Didacus B. Kaguta, *Interview*, Arusha, 22 Sept. 2012; Anonymous, Entebbe, 21 Nov. 2012

forces against it—fighting the beleaguered state's war, defending its government, deploying foreign forces on its territory, overtaking its policing function. This violates its meta-political authority. Conditions for intervention are also stringent: AU member-states accepted “the right of the African Union to intervene in any member state in the event of war crimes, genocide, and crime against humanity to restore peace and stability.”⁵⁵¹ Absent these circumstances in the EAC, intervention may be construed as aggression.⁵⁵²

Interventionist responses to rebellions require “the reappraisal of the hitherto [and still] sacrosanct principle of noninterference in internal matters and the broadening of the individualistic state-centric view of security to include human and collective security” in order to eliminate “violent conflicts on the continent.”⁵⁵³ However, this involves negating the “sacrosanct principle” that resurfaces in cooperation instruments as recent as the EAC's Peace and Security and Defence Protocols of 2012 that stress strict respect for state sovereignty.

Why is militarised response a possibility, at least in the EAC? Hon. Capt. Richard Dudu states: “Even if peaceful means fail completely, on the regional level, if it is necessary that military means is used at the regional level, then let it be! Is that not how the problem in South Africa was solved? Was it because they talked so much, or was it because they fought so much that they talked? So, we should look at those when we go into the issues we are going to handle” (sic).⁵⁵⁴ Contrary to Dudu's viewpoint, states can hardly entrust the EAC with this mandate: “We are dealing with sovereign states here. How do you expect that states can agree to have a single defence system under one command, and to jointly operate against Kony: you can imagine what that means?... States have not reached that level [of integration] which would allow them to acquiesce their powers to the

551 Touray, p. 643; AU, 2004. *Framework for a Common African Defence and Security Policy* (Ch. IV, parag 11 &12); *Protocol Establishing The AU Peace And Security Council*; and *Solemn Declaration On A Common African Defence And Security Policy (CASDP)*. Addis Ababa: AU

552 Ferdinand Niyongabire, *Interview*, Bujumbura, 29 Aug 2012. The AU perceived NATO's 2012 intervention in Libya as aggression.

553 Touray, p. 654

554 Dudu, *EALA Debates*, 20 May 2003, p. 34

EAC... And the hindrance to that level of integration is sovereignty.”⁵⁵⁵ Thinking about regional agencies for resolving rebellions evokes high-level SCs. Moreover, states stress their desire to independently resolve such issues, I argue, in order to preserve their monopoly on meta-political authority.

States’ Desire and/or Claim to Resolve Security Issues Independently

Sovereign states are “empowered”, argues Thomson, to make and enforce rules within their jurisdiction. They are mandated to resolve security issues which they consider to be internal in origin independent of other states or IOs. They are, therefore, self-governing entities. The more states claim they are mandated to unilaterally resolve security issues facing them the less likely they are to subject the issues to regional solutions. State officials have the conviction that it would be “an insult to tell” states to call the RO “to come and defend” them.⁵⁵⁶ They believe that “members of a political community must” not rely on “the armies of another state” for their security.⁵⁵⁷ Ultimately, during agenda setting decision makers respect/reflect these considerations.

The EAC’s Sectoral Council and Council of ministers identify issues of cooperation. Many security issues but transnational rebellions have been identified and included in agenda agreements. “When the sectoral council does not point it out and ask to tackle this issue, then the issue will not be included”.⁵⁵⁸ Alternatively, states that need assistance request for it from the EAC. All states but Tanzania have experienced rebellions at some point since 1993. “But, so far, no country has come up to say ‘we should cooperate against armed rebellions’” for states believe they should address rebellions on their own. So,

Sometimes governments do not accept that there are [serious challenges from] rebel groups... Our governments live in denial that they need regional help...
Rebellions are not even like an external attack, and it [EAC involvement] may be

555 Isabelle F Waffubwa, *Interview*, Arusha, 20 Sept. 2012. Other informants made similar observations on combining means and instruments of violence: Kaguta; MIN/K/T/01; MIN/K/T/02; Sserwadda

556 Museveni, *Op Cit*

557 Walzer, *Just and Unjust Wars*, p. 87

558 Niyongabire

*seen as invasion or interference in domestic matters. The leaders may be seen as not controlling their domestic affairs effectively.*⁵⁵⁹

This quotation may be misconstrued to indicate leaders', and governments' interests: independent rule. But when closely analysed, it shows SCs. The informant does not distinguish leaders, governments, and states. Indeed, reference to "interference" and to "domestic affairs" bespeaks of Vattelian sovereignty. He implies that rebellions are transnational but states insist on their domesticity and independent resolution because of the deep-seated conception of states as self-reliant entities. The definition of possible intervention as "interference in domestic affairs" distinguishes the domestic realm in which the state seeks to monopolise coercion and authoritative control from the other domains on which states must cooperate if they are to contain the prevailing security problem. The desire to retain their sovereign mandate and stature erases incentives for seeking regional solutions to transnational rebel conflicts, hence the emphasis on "domestic affairs."

However, other security issues are difficult to address independently. States admit they "need to marshal our initiatives, efforts, resources, and capabilities to collectively address" the different "security challenges facing the Community."⁵⁶⁰ These issues are not blamed on particular states. They transcend traditional approaches to law and order that a sovereign state would employ within its territorial domain. Cooperation on such "common security problems" is achievable when states provide for "ways through which states retain decision making autonomy."⁵⁶¹ Example: the EAC's anti-SALWs and counterterrorism efforts revolve around national agencies. This enhances states' control functions in line with Litfin's findings. The EAC secretariat mobilises resources; states acquire resources for their control structures. The GIZ, for instance, provided equipment's, technical skills for marking official arms, arms-marking machines to NFPs, sponsored programs for stockpile management and

⁵⁵⁹ Ibid

⁵⁶⁰ James Kabareebe, 2009 (10 November). *Minutes of the EAC Meeting of the Consultative Committee, on Cooperation in Defence Affairs: Report of the Meeting* (Doc. EAC/SC/12/2008, Dir. 5 and 7), p. 4.

⁵⁶¹ Litfin, p. 181

registration of government-owned SALWs.⁵⁶² The EAC played a coordinating role in mobilising these resources and opportunities for its partner states. Through these state-targeted measures “functional sovereignty is enhanced because states acquire greater problem-solving capabilities.”⁵⁶³

Consider similar efforts on rebellions: Would the state invite the EAC to train and equip its armed forces while claiming monopoly of violence? Would it use regional forces for its counterinsurgency operations? Answering these questions would reveal sovereignty-related fears—loss of monopoly of violence, dependence on external forces for internal control, and acceptance of inability to police internal rebellion.⁵⁶⁴ To defend their sovereign-ness states strive toward greater self-sufficiency, hence their “common interest in monopolising coercion within their territories.”⁵⁶⁵ Relying on the EAC to contain armed conflicts “would not only prove that you are incapable of governing your own affairs but that you depend on borrowed fists for your security both as government and society.”⁵⁶⁶ In Museveni’s words, “it would be a vote of no confidence in your people” that they cannot defend themselves.⁵⁶⁷ This would make the sovereign entity appear like asking neighbours to discipline one’s disobedient children while also depending on their mercy for one’s family’s survival.⁵⁶⁸

The point needs stressing: the way states evaluate/judge a security issue on these parameters—states’ interpretation of the issue as domestic/international; the necessity of inter-state agencies for resolving the problem; and states’ belief that the issue should be managed independently—elucidates the level of SCs an issue evokes. What is required, then, is to contextualise different intensities of SCs states assign to different security issues. The next section shows that these SCs are rooted in states’ experience in handling those issues.

562 *Interviews*: Dr Julius Tongus Rotich, 20 Sept.; Peace Uwineza, 21 Sept.; Martin Ogango, 27 Sept. 2012; Miriam Heidtman, 27 Sept. 2012; Jackson Olwa, Kampala, 11 Oct 2012; Ahmed Wafuba, 11 Oct 2012; Kaguta; MIN/K/T/01; MIN/K/T/02

563 Litfin, p. 174

564 Even UN missions, where one state assumes leadership, follow grave circumstances, or state collapse, denuding that state’s sovereign-ness.

565 Thomson, p. 226

566 Kaguta, *Interview*

567 Museveni, Speech to EALA

568 *Interview*, MIN/B/T/02, Bujumbura, 30 Aug. 2012; Kaguta; Sserwadda; Dr Tom M Ochola, *Interview*, Entebbe, 21 Nov 2012

How Different Security Issues Came to Evoke Different Levels of SCs

Different security issues in East Africa, over time, came to be judged from either ends of the taxonomical spectrum of SCs. SALWs and terrorism, for instance, were seen to be sufficiently international to merit considering cooperative solutions, such as sharing information that even if secret might pay off benefits if shared at least to some degree. Leaders also came to willingly entertain the potential benefits (and withstand the costs, if any) of coordinating national efforts to address these issues. Contrarily, rebellions consistently evoked high-level SCs because they have always been considered internal affairs.

Historically, Africa has had a relatively peaceful interstate system. This was fostered by the AU principles of sovereignty that proscribed interstate conflicts.⁵⁶⁹ Yet the continent faces myriad security threats which were not judged as originating from or arising within the limits of particular states.⁵⁷⁰ For instance, after the 1998 terrorist bombing of US embassies in Nairobi and Dar es Salaam, East African states agreed to collectively address terrorism⁵⁷¹, for the problem was not limited to victim states but would affect others too. States believe terrorism “transcends the traditional organs of law and order and requires a multidisciplinary approach involving military institutions”⁵⁷² and non-military agencies alike. Terrorism was associated with the global terrorist threat, not a domestic threat to or originating from any EAC partner state. It evoked low-level SCs for it is recent in the region and because states would not sustainably project the belief that they can address it independently. So also was SALWs. Instead, coordination is designed in such a manner, and perceived with such lenses, as responding to an external problem linked to the global problem of arms manufacture, trade, and transfer for two reasons.

First, though SALWs were fuelling armed conflicts, piracy, armed cattle rustling, and war economies in Africa, most of these SALWs are manufactured outside of Africa. Controlling the proliferation of SALWs looks like

⁵⁶⁹ Touray; OAU Charter; Constitutive Act of the AU

⁵⁷⁰ Instead, they were associated with globalisation and modern information and communication technologies

⁵⁷¹ EAC Treaty, Art 124(6)

⁵⁷² EAC/SR/27/2005, p. 18-19

addressing a problem that originates outside the continent, a common threat to African security. Most of the SALWs circulating in Africa originate from Russia, the USA, China, and Ukraine.⁵⁷³ So, African states could easily apportion blame for these arms and weapons on extra-Africa sources. Since African states were not responsible for the problem, it was judged as coordination-problem issue.

Second, East African states learnt from the efforts of their West African counterparts that addressing the problem of SALWs required broad responses beyond the region. As I show in chapter 5, African countries have since 1993 engaged the broader international community on the problem of SALWs. They also formed cooperative measures in Africa's different regions to control SALWs proliferation.⁵⁷⁴ From the parameters identified in the previous section, therefore, SALWs like terrorism, evoked low-level SCs owing to their foreign origins, the viability of coordinated responses to them, and the difficulty of autonomous solutions to these issues.

Compared to SALWs and terrorism, armed rebellions evoke high-level SCs basing on clear grounds. First, they originate from within EAC partner states and yet the AU proscribed interference in states' affairs: "At the heart of the OAU policy on civil wars was the principle of non-interference in the domestic affairs of member states."⁵⁷⁵ Regional agencies for handling rebellions would interfere in the affected state's internal affairs. States also insist that they should independently address these issues.⁵⁷⁶ These concerns echo UN principles of sovereignty.

The entrenchment of UN, and OAU/AU principles of sovereignty created difficulties for resolving Africa's civil conflicts. Besides, politico-ideological differences among "post-independence African leaders allowed neither a supranational organisation nor a stronger defence structure" that would address such issues for fear that such

⁵⁷³ Ogango, *Interview*

⁵⁷⁴ Sarah Parker and Katherine Green, 2012. *A Decade of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of National Reports*. Geneva: UN Institute for Disarmament Research (UNIDIR); Mitsuro Donowaki, 2004. 'Small Arms, Africa and the United Nations (Ten Years of Interaction between Africa and the UN).' Presentation to "The PoA National Reporting Workshop, 20-21 May, Nairobi.

⁵⁷⁵ Touray, p. 638

⁵⁷⁶ Museveni; Several *Interviewees*

a supranational organisation would erode their meta-political authority.⁵⁷⁷ Sovereignty principles bestowed upon African states autonomy, control, and legitimacy which led to “the principle of non-interference in the domestic affairs of member states”⁵⁷⁸ and the tendency to use unilateral responses to armed conflicts. The ROs under the AU followed this continental principle to preserve states’ recently-acquired meta-political authority. Though “regional initiatives constitute the building blocks of the new pan-African defence and security policy”, they remain sovereignty-sensitive. Naturally, then, the EAC stresses strict respect for state sovereignty, territorial integrity, non-interference, and independence, in its protocols.⁵⁷⁹ The EAC, which had been dissolved in 1977 due to differences among states,⁵⁸⁰ also uses a cautious approach to security-regionalism.

Having examined non-interference and the difficulty of establishing security agencies for addressing prevailing security issues, I now analyse the past failure/collapse of peaceful solutions to armed conflicts in the region. This experience forces states to view rebel conflicts as a domestic matter; to avoid inter-state agencies for resolving them; and to stress that rebellions should be managed using affected states’ own resources and authority structures. Since rebellions aim right at the heart of the state as a sovereign entity, their peaceful resolution has been historically difficult in East Africa because of, as Adedeji argues, the failure to open the veil of sovereignty to master their causes and histories inherent within states. Brief historical examples follow.

In 1985, Kenya’s President Daniel Arap Moi mediated peace talks in which Uganda’s rebel National Resistance Movement/Army (NRM/A) signed an agreement with Tito Okello’s government. After the “Nairobi Agreement” war resumed. The NRA dethroned Okello in January 1986.⁵⁸¹ In 1989, 1993-5, 1997, and 2003-8, Uganda has held peace talks with Joseph Kony’s LRA/M. All talks failed. Peace remains elusive⁵⁸² despite Uganda’s amnesty

⁵⁷⁷ Touray, p. 637-8

⁵⁷⁸ Touray, p. 638

⁵⁷⁹ EAC, Peace and Security Protocol; Defence Protocol; Confidential, Nairobi, 19 Sept. 2012

⁵⁸⁰ EAC, Treaty (Preamble)

⁵⁸¹ Airi Mali Tripp, 2010. *Museveni’s Uganda: Paradoxes of Power in Hybrid Regime*. London: Lynne Rienner

⁵⁸² UN Security Council, 2006. *Letter from the Permanent Representative of Uganda addressed to the President of the Security Council, S/2006/271, Annex I.*

law that pardons surrendering rebels.⁵⁸³ In 1994, attempts to resolve Rwanda's conflict were futile. After the "Arusha Accords" signed between the rebelling Rwanda Patriotic Front/Army (RPF/A) and President Juvenal Habyarimana's government, Rwanda experienced a historic genocide soon after Habyarimana was assassinated while returning from these talks.⁵⁸⁴ Nothing shows that the Arusha Accords would have peacefully resolved the conflict Habyarimana's assassination notwithstanding. Three issues explain this scepticism.

First, many of the RPF/A leaders and fighters had participated in Uganda's anti-Amin and post-Amin civil conflicts, especially the 1981-86 NRA rebellion that had violated the Nairobi Agreement.⁵⁸⁵ Second, since 1959, Rwandan refugees had been scattered in the Great Lakes Region after Tutsi elites refused to enter compromises with the Hutu-dominated Rwandan governments.⁵⁸⁶ Experienced violators of peace settlements and protracted armed resistors are always difficult to assuage. Third, radical officials in Habyarimana's government opposed compromises with the RPF/A. And yet the RPF/A was also resolute to fight on because Rwandan refugees in post-Amin Uganda's security and intelligence circles were already causing unease in Uganda: some Ugandans wished them away; they too were determined to return home.⁵⁸⁷ The contention between their determined, forceful, return on the one hand, and non-compromise in Rwanda on the other, would have led to a protracted conflict, as we witnessed in Sudan. The solution lay in victory for one of the conflicting parties.

I do not downplay the moral-ethical, practical, and experiential usefulness of peaceful solutions to rebel conflicts. I only argue that bringing belligerent parties to the negotiating table does not necessarily resolve the causal forces behind rebellions. It treats symptoms, not causes. Addressing causes requires penetrative interference in the state's internal affairs contrary to UN-AU-EAC principles of non-interference. Besides these EAC-specific

583 Republic of Uganda, 2000. *The Amnesty Act, 2000*. Entebbe: Uganda Printing and Publishing Corporation (UPPC)

584 Reyntjens; Prunier, *Africa's World War*

585 Tripp, pp. 52, 63, 174

586 Elijah Dicken Mushemeza, 2007. *The Politics of Empowerment and Integration of Banyarwanda Refugees in Uganda, 1959–1990*. Kampala: Fountain, pp. 60-70

587 Mushemeza

realities, peaceful solutions to armed rebellions around the world have failed.⁵⁸⁸ Therefore, there is no guarantee that the EAC's peaceful solutions will work when they have failed here and beyond.

According to Adebayo Adedeji, the world has experienced intrastate armed conflicts in several countries.⁵⁸⁹ Most of them have evaded peaceful solutions.⁵⁹⁰ Monica Duffy Toft reveals: "in the period 1940-2000, war recurrence was 22 percent after negotiated settlements... 12 percent when war was ended in military victory (10 out of 81 cases)."⁵⁹¹ She argues that "negotiated settlements have tended to lead to greater likelihood of war and repression" and costly war recurrence contrary to the normative "give peace and a chance" viewpoints.⁵⁹² Researchers may critique Toft's coding and disaggregation of some cases civil conflicts, duration of negotiated settlements, interpreting the statistical effects of her findings, and her focus on the dichotomy: recurrence and non-recurrence.⁵⁹³ But her findings shed useful light on the policy implications of choosing between negotiated settlements and military victory. Some peaceful settlements succeed. Most fail. In East Africa, most have failed.⁵⁹⁴ Whether external actors, like the EAC, may facilitate or retard war termination of particular rebellions is hard to predict. If rebels or the government renege on settlement terms, the RO would appeal to the convention, like a protocol, to enforce compliance. It might need to punish recalcitrance. This difficulty evokes high-level SCs as I already examined when either or both the rebel group and government renege.

A combination of these historical realities and sovereignty principles inform states' judgement on rebellions as critical-sovereignty security issues. It creates incentives for states to disengage the RO from these conflicts. States know that cooperation on rebellions requires difficult commitments whose implementation necessitates

588 Toft; Hoeffler

589 In Europe: Croatia, Bosnia, Serbia, Albania, Georgia, Azerbaijan, Turkey, Northern Ireland. In Amerika: Mexico, Peru, Colombia, Guatemala. In Asia: Cambodia, Sri Lanka, Burma/Myanmar, East Timor, Iraq, Thailand, Indonesia, Philippines, Papua New Guinea; recently, Syria, Lebanon. Adedeji, p. 10

590 Fruitless peace attempts in Philippines, Sri Lanka (before 2009), and Syria (since 2012), prove this thesis

591 Laurie Nathan and Monica Duffy Toft, 2011. 'Civil War Settlements and Prospects for Peace.' *International Security*, 36 (1):202-210 (p. 202)

592 Toft, 'Ending Civil Wars' p.35-36

593 Nathan and Toft

594 Some exception may be said of the shaky Burundi Peace Process

undue interference in their internal affairs contrary to the sovereignty-sensitive regimes that inform cooperation. States rarely face these difficulties to coordinate efforts on other security issues. Handling rebellions might drag the EAC in intrastate conflicts, and may negate the conception of states as self-governing entities. Therefore, states resort to non-bargains to stymie cooperation on transnational armed rebellions.

From Sovereignty Concerns to Sovereignty Bargaining

I have examined the parameters for determining different levels of SCs and historicised how different security issues came to evoke different levels of SCs. After enumerating the characteristics of SCs and offering a framework for discerning their varying intensity, I am now positioned to link this final step to my causal argument in Chapter 3: that the level of SCs shapes the bargaining strategy, such that what is being negotiated at the regional level is not just whether/how to cooperate to solve the security issue but the very principle and institution of state sovereignty itself as it relates to the issue. Accordingly, different sovereignty bargains yield different outcomes for the RO's security agenda—putting some issues on; and keeping others off.

Bargains on security issues which are judged to be domestic and directly related to the state, differ from bargains on those that are international in origin and causes. How states approach security issues the cooperation on which might require regional structures differs from how they approach those issues on which cooperation only requires coordinated, not joint, responses. How they negotiate issues projected as deserving of independent solutions differs from how they negotiate issues on which autonomous control is suboptimal when compared to interdependence. In sum, bargains on coordination-problem security issues that evoke low-level SCs differ from bargains on critical-sovereignty security issues that evoke high-level SCs. In Chapter 3, I underscore different levels of SCs and the bargains they engender: low-level SCs engender normal bargains; intermediate SCs produce protracted bargains; and high-level SCs engender non-bargains. The EAC monetary union and political

federation evoked intermediate SCs⁵⁹⁵ that have led to ongoing *protracted bargains* which I do not address. I link two bargaining strategies to the aforesaid parameters for judging security issues that evoked low-level and high-level SCs. I focusing on security issues, their corresponding SCs and sovereignty bargains, because they are the ones I empirically address in coming chapters.

Low-level SCs engender normal bargains while high-level SCs engender non-bargains. Normal bargaining is suitable for deciding on cooperation measures needed to address common problems that are transnational in origin and require coordination of national efforts. States also realise that non-cooperation on these issues would be suboptimal while cooperation may strengthen relevant national agencies. So, normal bargaining is suitable for arriving at cooperative outcomes in order to avoid “dilemmas of common aversion”—undesired outcomes of non-cooperation in case states resort to independent decision making and action.⁵⁹⁶ Normal bargains, in turn result in negotiated consensus and cooperation on coordination-problem security issues.

Critical-sovereignty issues—transnational rebellions—however induced high-level SCs for they are viewed as domestic in origin, target the heart of the state, are linked to states’ sovereign-ness, and cooperation on them remains problematic. High-level SCs engendered two non-bargains—opposition and purposeful silence—that kept rebellions off the EAC’s security agenda and protocols, hence non-cooperation. I address these bargains and resulting cooperation outcomes on different security issues in Chapter 5 and 6. I show, in Chapter 5, that SALWs and terrorism evoked low-level SCs that produced normal bargains, which led to cooperation. I show in Chapter 6 that high-level SCs produced non-bargains that stymied cooperation on transnational rebellions.

595 Field findings; Rotich, Overview of the Process toward the East African Community Political Federation

596 Stein, p. 311

CHAPTER FIVE

NORMAL BARGAINING AND SECURITY COOPERATION IN THE EAC

In my opinion while there are efforts to coordinate and cooperate, *this is done in a manner that does not threaten or fundamentally challenge the existing status quo regarding state sovereignty*. So this means cooperation on training or trying to coordinate policies but no fundamental changes that would threaten the authority or government of the regime in power to make decisions in the area of politico-security cooperation.

Bruce Heilman, PhD⁵⁹⁷

Chapter Overview

In Chapters 1 and 2, I stress the theoretical, empirical, and contextual value of explaining simultaneous security cooperation and non-cooperation in the EAC to address inadequacies in existing studies. To explain this puzzle, I develop a theoretical framework in Chapter 3 build upon the notion of “sovereignty bargaining” after Litfin, Mattli, and Thomson’s works⁵⁹⁸, proposing a taxonomy of sovereignty concerns (SCs) which, I argue, engender different sovereignty bargains that produce different cooperation outcomes on different security issues. In chapter 4, I offer a conceptual criterion for grasping different intensities of SCs, trace their histo-political basis, and specify differences in the natures of security issues that evoke different SCs. I show that states judge different security issues basing on whether or not they interpret these issues as domestic/foreign in origin, the intergovernmental authority-structures necessary to cooperate on the given issue, and states’ belief about independent solutions to given security issues. Accordingly, other security issues are coordination-problem issues; rebellions are judged as critical-sovereignty security issues. This leads to normal bargains and resulting cooperation on the former; and non-bargains and resulting non-cooperation on the latter.

⁵⁹⁷ Department of Political Science and Public Administration, University of Dar es Salaam, 17 September 2012.

⁵⁹⁸ Thomson; Litfin; Mattli.

Two tasks remain. First, to empirically demonstrate that normal bargains, rooted in low-level SCs, led to cooperation on “coordination-problem” security issues in the EAC. Second, to show that non-bargains led to non-cooperation on rebellions. This entails evidence of purposeful silence about rebellions in the EAC’s security agenda-setting processes; and opposition to voices calling for cooperation on them.

I accomplish the first task in this chapter. I outline the EAC’s security cooperation framework and examine normal bargains that typified the agenda-setting process. Normal bargains involve: (a) continuous, formal negotiations to reach consensus on cooperation issues. (b) Devising provisions in agreements under discussion for handling any SCs that arise. (c) No suspension of negotiations over contentious issues; instead, states persistently engage each other to agree on desired cooperation outcomes, including seeking expert analyses and opinions. (d) “Consultative” and other meetings are common.⁵⁹⁹ These bargains resulted in cooperation on, among others, terrorism and proliferation of SALWs. National—as opposed to regional—security agencies govern cooperation practices on these issues unlike rebellions the cooperation on which states feared would necessitate regional agencies and processes that erode states’ meta-political authority.⁶⁰⁰ Here, normal bargains were informed more by considerations regarding the potential mutual benefits of cooperating on these security issues than by elite interests, nature of the state, or even external pressure: for within the broader African landscape the bargains on continental counterterrorism efforts precede the 11 September 2001 attack on the USA, that is, before the US intensified its then ongoing counterterrorism efforts in the world.⁶⁰¹ Besides, as I later show African states have been the strongest actors in pursuing global solutions to the problem of SALWs.⁶⁰²

This chapter has three sections. First, I outline the EAC’s security-cooperation framework, showing that the framework is anchored upon negotiated international-legal instruments. I propose that this framework evolved

599 Now Institutionalised decision-making procedures

600 Field Interviews, East Africa, Aug.–Dec., 2012

601 OAU, 1999. *Convention on the Prevention and Combating of Terrorism*. Algiers: OAU; 2004. *Protocol to the OAU convention on the Prevention and Combating of Terrorism*. Addis Ababa: OAU

602 OAU, 1999. *Decision on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons*. Algiers: OAU

through normal bargaining. Second, I analyse the bargaining process by which states agreed to cooperate on the given security issues. I illustrate that via a procedural-institutional process bargains determined whether or not the security issues and the cooperation practices on them were agreed upon and included in the protocols. Third, I choose terrorism and SALWs proliferation to represent coordination-problem security issues that evoked low-level SCs. This engendered normal bargains that led to cooperation on the issues in a manner that preserves states' meta-political authority. I conclude with a summary of the findings.

The EAC Security Cooperation Framework

We need to marshal our initiatives, efforts, resources, and capabilities to collectively address the various defence and security challenges facing the Community, and [to] achieve a common goal of collective regional peace and stability that is the bedrock of economic progress.

General James Kabareebe⁶⁰³

The EAC security cooperation framework involves regional conventions, rules, and *modus operandi* that inform security cooperation. These “rules of the game” are specified in legal instruments, which operationalise the EAC Treaty and form the legal-political-institutional basis of cooperation. Agreements that may involve non-EAC states and/or other organisations must be construed, under Article 130 of the Treaty, to contribute to the attainment of the EAC’s objectives. The instruments include:

- Treaty for the Establishment of the East African Community, 1999 (amended 2006, and 2007), especially Chapter 23. (Hereinafter, “Treaty”).
- Memorandum of Understanding (MoU) on Cooperation in Defence Affairs, 1998–adapted to the Treaty, November 2001 (“Defence MoU”).
- Protocol on Cooperation in Defence Affairs, 2012 (“Defence Protocol”)–(replaced the MoU)
- *Protocol on Peace and Security Cooperation, 2012* (“Peace and Security Protocol”)

603 Meeting of the Consultative Committee on Cooperation in Defence Affairs (Appendix: EAC/SC/12/2008, Dir. 5 and 7), 10 Nov. 2009, p. 4.

- The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, 2004 (“Nairobi Protocol”)
- Other UN- and/or AU-based conventions on security cooperation to which EAC states are signatory, such as instruments that establish the APSA⁶⁰⁴; Bamako Declaration (African Common Position) on the Illicit Proliferation, Circulation and Trafficking of SALWs; UN conventions on terrorism; and Declaration on Peace, Security and Development in the Great Lakes Region (“Dar-es-Salaam Declaration”).

I focus on the peace and security protocol since it provides the legal framework for cooperation on terrorism and SALWs I address later. Defence cooperation is also vital, but is narrowed to confidence-building.⁶⁰⁵ For instance, the MoU built on an “already-established tradition of undertaking joint manoeuvres and military exercises” between Kenya, Tanzania, and Uganda.⁶⁰⁶ This “gentleman’s agreement” provides for “cooperation in military training, joint [peace support] operations, technical assistance, visits, and information exchange.”⁶⁰⁷ After ratifying the 1999 Treaty, the MoU was “construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring [it] into conformity with the Treaty.”⁶⁰⁸ A 2012 protocol replaced the MoU. The protocol reflects the MoU’s provisions (except future negotiation of a Mutual Defence Pact). It maintains the same cooperation practices. But being an appendage to the Treaty, the protocol is legally binding.⁶⁰⁹ Implicitly, therefore, it legally affirms non-cooperation on rebellions for they are excluded from it.

604 Constitutive Act of the AU; Protocol Establishing the AU Peace and Security Council; 2004. Solemn Declaration on CADSP; and AU Non-Aggression And Common Defence Pact. Components of the APSA include: the Peace and Security Council (PSC), Continental Early Warning System (CEWS), African Standby Force (ASF), Panel of the Wise, and the Peace Fund. Vines.

605 EAC, Defence, & Peace and Security Protocols; Treaty, Art. 125

606 AU, 2005, *Solemn Declaration on CADSP*, Sirte: AU, p. 29

607 Ibid, p. 29; *Interviews*: Wilbert TK Kaahwa, Arusha, 21 Sept.; Javerson Kamugisha, Kampala, 5 Oct. 2012

608 Treaty, Art. 140(1). Adapted Agreements include: Agreement for the Establishment of the Permanent Tripartite Commission (PTC); Protocol on the Establishment of a Secretariat of the PTC; Headquarters Agreement between the Secretariat of the PTC and Tanzania; Tripartite Agreements on: i) Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income; ii) Road Transport; and iii) Inland Waterways Transport; the MoU on Foreign Policy Co-ordination, and on Co-operation on Environment Management

609 Treaty, Art 151(4); Protocols.

Similarly, while the distinction between defence and peace and security is thin, the separate protocols on these issues arose from negotiations during which defence was detached from peace and security and the protocol under negotiation split into two. Apparently, the split administratively and technically delinked non-military security issues from military/defence affairs.⁶¹⁰ Moreover, the region faced no direct conventional threat but other serious security threats needed cooperative responses. Defence cooperation was then “restricted so far to: training, joint [peace support] operations, culture and sports, science and technology”⁶¹¹, as confidence-building measures. But peace and security cooperation involves coordinating states’ interventions against prevailing security issues. I follow this official distinction for analytical clarity. Next, I discuss bargains that led to these protocols. This process evolved from negotiations of the Treaty, the EAC’s equivalent of a National Constitution, to operational instruments specifying the principles and cooperation practices.

From Normal Bargaining to Security Cooperation Instruments/Protocols

Coordination-problem security issues evoked low-level SCs which led to normal bargains on those issues. These are issues which were interpreted as external in origin and were therefore not directly linked to particular states. States realised, through expert analyses, that they could develop coordination measures that preclude regional authority structures that superintend national agencies. The nature of these issues, as stressed in Chapter 4, also meant that states could not claim that they can, or should, address them independently.

Security Issues Bargained On

To underscore the distinction between coordination-problem and critical-sovereignty issues as indicated in Chapters 3-4, I show that security issues on which states agreed to enter cooperative bargains were interpreted

610 *Interviews*: Isabelle F Waffubwa, 20 Sept. 2012; Didacus Kaguta, 22 Sept. 2012 – Arusha.

611 Leonard M. Onyonyi, 2014 (27th January). ‘The EAC Peace and Security Architecture’, presented to the 4th Meeting - 2nd Session of the 3rd East African Legislative Assembly, Kampala. Kampaka: EALA., p/slide 16.

as “external” and/or apolitical, and not politically “sensitive”. For instance, a ministerial council on regional defence, and peace and security, categorised security “challenges” facing the EAC into “internal” and “external” challenges. The former are thought to originate within the region; the latter outside. Internal security challenges include: unemployment, cattle rustling and banditry, human and drug trafficking, transnational organised crime, intra-regional environmental degradation, ethnic (communal, religious) conflicts, “retrogressive” socio-cultural practices (viz human sacrifice, cattle rustling, and witchcraft), piracy (Lake Victoria and the Indian Ocean), intra-state governance challenges (violation of human rights, contested elections, rule of law), and food security.

However, SALWs proliferation, drugs/human trafficking, terrorism, piracy, and others were categorised “external challenges” even as they may originate from within the region and involve use of means of violence like arms.⁶¹² Therefore, they evoked low-level SCs for no state is liable for them. Cooperative responses would more address common problems than interfere with any state’s meta-political authority. Hence, cooperative bargains focused on “*combating*” terrorism; counter-piracy; peace support operations; disaster management and crisis response; *proliferation of illicit SALWs*; management of refugees; prevention of genocide and related crimes like ethnic cleansing and mass murders; fighting transnational crime and cattle rustling; and exchange, detention, custody and rehabilitation of prisoners/offenders.⁶¹³ Expert analyses and consultative meetings informed decisions on cooperation practices which were included in the peace and security protocol. Realising that cooperation on “external security challenges” would coexist with respect for states’ sovereign equality, territorial integrity, and non-interference in domestic affairs, states were least worried about loss of their meta-political authority.

This differs from rebellions that are construed as “sensitive”, internal security issues “of a political nature”. In a ministerial meeting, states underscored the constraints of developing “a mechanism to address *sensitive security*

612 EAC, 2011. *13th Summit of Heads of State: Report of the Summit* (Ref: EAC/SHS 13/2011), Annex IX, pp. 2-5. Arusha: EAC
613 Peace and Security Strategy; Peace and Security Protocol, Articles 4-14

*challenges, particularly those internal ones of a political nature.*⁶¹⁴ Rebellions are “sensitive”, “internal” and “of a political nature” because they are armed struggles against the state’s constituted political authority. They are political because, as Thomson argues, they entail coercion: states have monopoly on meta-political authority—determining what is political and belongs to the realm of coercion and thus of the state’s jurisdictional domain, and what belongs to other realms and is thus delegable to ROs. Besides their domesticity, states believe rebellions defy coordination that befits “external security challenges” even as their dimensions and implications transcend origin states. Their roots in states’ internal socio-political superstructure defy ad hoc measures.

Rebellions are difficult to handle “in a manner consistent with the principles of sovereign equality, territorial integrity of states, and non-intervention in the domestic affairs of State Parties”⁶¹⁵: managing rebel conflicts dictates mustering their causal and historical dimensions.⁶¹⁶ This mastery requires authority structures with operational mandates that may interfere in states’ internal politico-security affairs. For these reasons, EAC decision makers believe that normal bargains and their resulting negotiated consensus that allow them to work around external security challenges, the cooperative agreements that might provide for state capacity-building efforts without eroding state sovereignty, and other coordinated responses, cannot work for rebellions. Instead, the measures would be inadequate. To be effective the measures must address rebellions’ complex linkages with intra-state socio-political superstructures from which they originate.⁶¹⁷ Thus, rebellions evoke high-level fears of loss of states’ meta-political authority, making them amenable to non-bargains.

Normal bargaining involves continuous, formal negotiations. There is progress toward consensus instead of suspending negotiations over contentious issues. A “consultative” style of agenda-setting engenders provisions for respecting state sovereignty in cooperation agreements to mitigate SCs. Security cooperation in the EAC

614 EAC/SHS13/2011, Appendix IX, p. 15

615 Nairobi Protocol, Art. 16

616 Adedeji

617 Interviews: Kaguta; Confidential

followed a lengthy negotiation process between 1991 and 2012 when states signed the most recent instruments: the peace and security, and defence protocols. I insist that these were normal bargains, which are rooted in low-level SCs, and not expressions of elite interests or the nature of the state. I also highlight that this bargaining is *the process through which states overcome collective action problems on issues of common concern.*

Were elite interests important we would observe changes in the nature of interests with changes in governments in Tanzania and Kenya. Even if one argued that governments change in these countries but the dominant sectional interests remain the same—akin to the Marxist conception of the state as the executive for running the unchanging and unchangeable common affairs and interests of the dominant capitalist class—then the challenge of conceptually and empirically delinking the state from the unchanging sectional, class, or ruling-coalition interests becomes clear. But consistent bargains and the continuities of states' approaches to these issues render unsustainable possible insistence on narrow elite interests, domestic patrimonial politics⁶¹⁸, or on the desire to overcome foreign pressure for 'better' governance as Fisher conceives of Uganda's foreign security interests.⁶¹⁹ What we observe, therefore, are normal interstate bargains that, as revealed later, resulted in negotiated, consensual cooperation on coordination-problem security issues.

Beatrice Kiraso, a former EAC deputy secretary-general (political affairs), reveals the bargains that led to the EAC security agenda: the peace and security strategy. The strategy, she argues, was developed "through a highly consultative and inclusive process" to give "form to the areas of cooperation", and address "regional peace and security threats." Giving form to cooperation areas involved analysing and distinguishing "internal"/sensitive from "external"/non-sensitive issues, hence designating rebellions as "sensitive internal ones of a political nature." The agenda was "adopted by the 13th Council of Ministers meeting... to guide EAC level interventions

618 De Waal
619 Fisher

in the Peace and Security Sector.”⁶²⁰ This “consultative and inclusive process” generated the first negotiated consensus to cooperate on security issues specified in the Security Strategy⁶²¹ that were later included in the peace and security protocol. I next examine this process.

The Unfolding of Normal Bargaining

In 1991, Kenya, Tanzania, and Uganda resumed negotiations to revive the EAC: it had been dissolved in 1977. States revived “surviving institutions of the former East African Community” and signed a Treaty in 1999.⁶²² Article 151(4) of the Treaty creates new institutions and provides areas of future cooperation that would be catered for in protocols. States also signed an MoU on defence cooperation in 1998, and adapted it to the Treaty in 2001. Since 1999, agenda-setting follows Treaty-based institutional procedures for reaching agreement.

The institutional structure of bargaining, decision making, developing, and implementing security and other cooperation protocols follows a pyramidal structure (Figure 1) apexing at the Summit. Below the Summit of Heads of States is a Council of ministers (ministers responsible for EAC affairs), sectoral councils (internal/home and foreign affairs, defence, peace and security ministers); coordinating committee (permanent secretaries of EAC ministries); sectoral committees (permanent secretaries of sector ministries); consultative committee (permanent secretaries of ministries from cross-cutting issues); technical/senior officials; and experts’ working groups on the given issues that are ad hoc and constituted as and when necessary.

Negotiation is a step-by-step process involving multi-level meetings (Figure 1). It can be one-off only when agreement obtains in a single meeting, which I did not observe. At every level—from technical officials to Council

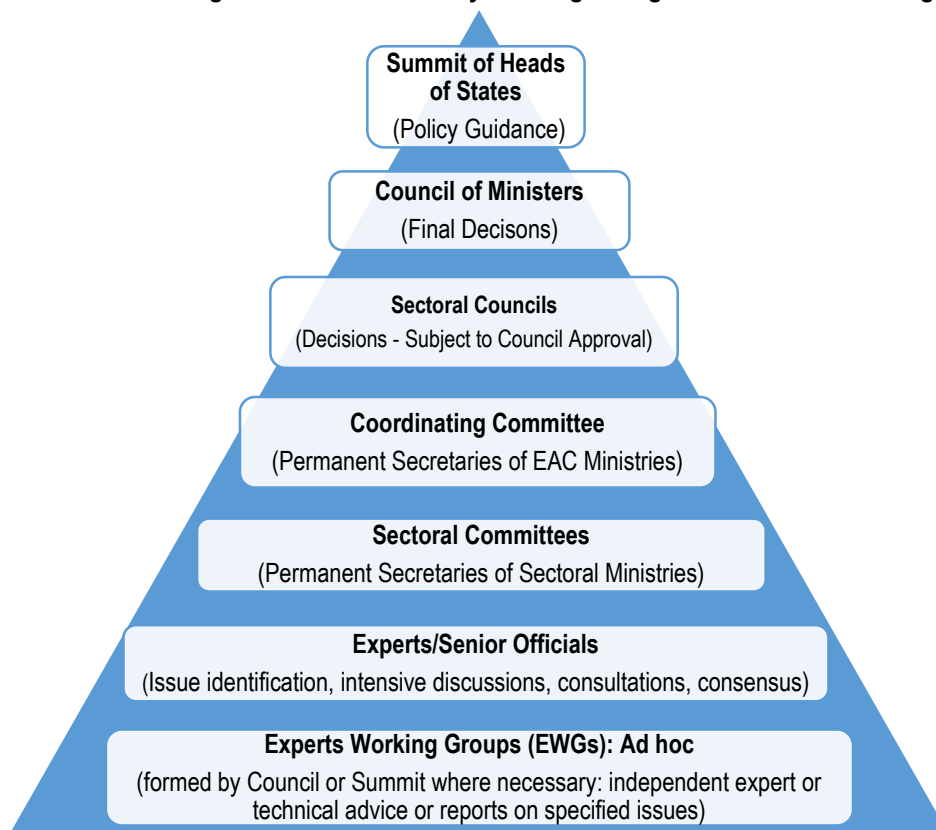
620 Beatrice B Kiraso, 2006. *Strategy for Regional Peace and Security in East Africa: Foreword*. Arusha: EAC

621 Peace and Security Strategy, pp. 31-35

622 “Surviving Institutions” include: East African Civil Aviation Academy, Soroti/Uganda; the East African Development Bank, Kampala/Uganda; the East African School of Librarianship (Makerere/Uganda); and the Inter-University Council for East Africa (Makerere/Uganda). Treaty, Art 1(1)

of Ministers (herein “Council”)–SCs that crop up are negotiated to reach consensus.⁶²³ Hence, between 1999 and 2012 states implemented and adapted the MoU to the Treaty; negotiated the security directorate in the EAC secretariat, 2005-2010; negotiated and split the security protocol into defence and peace and security protocols, 2010-11. These were signed in 2012.⁶²⁴ This consultative approach is institutionalised in decision-making processes that follow consensus as a Treaty condition signifying interest convergence.⁶²⁵ Consensus requires all states to agree from technical committee to Council before including the issue in a protocol.

Figure 2: The Hierarchy of Bargaining and Decision Making



The Council is the final decision-making organ. It has lots of discretionary, decision-making, and implementation powers. Its decisions affect all EAC organs but the summit,⁶²⁶ though it cannot direct the Court of Justice and

⁶²³ Stephen B. Niyonzima, *Interview*, Kampala, 27 Oct. 2012; Confidential, Arusha, 20 Sept. 2012

⁶²⁴ *Interview*, EALA/T/02/, Nairobi, 19 Sept. 2012.

⁶²⁵ Treaty, Article 15(4) & 23; Decision-Making Protocol, Art. 15(5)

⁶²⁶ Decision Making Protocol; Treaty, Article 113(5). The Summit gives policy guidance where consensus eludes Council, has prerogative on political federation, admission of new states, and observer status.

Legislative Assembly “within their jurisdictions.”⁶²⁷ The Assembly only recommends to Council on the Treaty’s implementation.⁶²⁸ This reveals states’ control over the agenda: Council members account to their national executives and legislatures. So, they are sovereignty sensitive. Council-level consensus, therefore, is consensus among sovereign states. Next I describe the bargaining process by which the EAC arrived at two protocols.

Bargaining [Toward] Defence, and Peace and Security Protocols

Bargaining on an instrument follows states’ incentive to raise an issue in a regional agenda-setting forum. While it is state elites, as indeed they are the ones, who raise this issue it does not make it a narrow sectional affair but a state affair. Thus, bargains on the defence and peace and security protocols arose from the low-level SCs these security issues evoked. The issues’ were then included on the common agenda, the Regional Peace and Security Strategy, and later protocols. States formalised/legalised cooperation in protocols, to “achieve a common goal of collective regional peace and stability”⁶²⁹ through coordinated responses to “common security problems”, in order to stipulate what [action and/or behaviour] constitutes cooperation and what does not.⁶³⁰ In other word, normal bargains are useful to overcome collective action problems for they help states array one another’s fears, realise the suboptimal outcomes of non-cooperation, Stein’s dilemmas of common aversion and common interest, and to jointly devise strategies of coordination and collaboration. This is where states’ political and technical leaders engage one another in negotiations.

Policy and technical leaders negotiated the creation of a directorate of peace and security in 2005 after and through the “highly consultative” process that led to inclusion of issues in the Peace and Security Strategy.⁶³¹ Senior EAC officials, like secretary general, his/her deputies, and department heads, might have administratively

627 Treaty, Art. 14(3)(c); Art. 16

628 Treaty, Art. 49(2)(a)

629 EAC/SC/12/2008 (Dir. 5 and 7), p.4.

630 Stein, p. 307-8

631 Kiraso; Peace and Security Strategy

constituted the directorate. But states became involved via Council perhaps to limit the directorate's powers and mandate vis-à-vis their national agencies. States' SCs were causing bargains on the EAC's institutional change.

By 2006, states realised that the directorate would not operate without a protocol. They were also undecided on whether it would operate as a defence directorate as the MoU was being re-negotiated into a protocol. Council's directive to constitute the directorate in 2007 was not implemented because: first, the relevant sectoral council had not been formed; and second, the protocol was still under negotiation.⁶³² The directorate and the protocol became intertwined, consultations on both became simultaneous, ostensibly because the directorate lacked legal basis. The Defence sector's technical team, including Defence Liaison Officers (DLOs), had spearheaded the development of the directorate. But they could not make headway absent a Sectoral Council for Interstate Security. In 2008, Council established the Sectoral Council, and directed sectoral councils on defence, interstate security, and foreign policy coordination, to meet jointly and elaborate the protocol along an enabling institutional framework. While the 18th Council, held in September 2009, directed the joint sectoral councils to prioritise operationalisation⁶³³, and "took note of progress made" on the draft protocol⁶³⁴ bargains were promising since states' only concern was to define the EAC's authority structures vis-à-vis national agencies.

In March 2008, Council had "deferred consideration of the harmonization of interstate security and interstate defence matters *until the finalization of the Protocol on Peace and Security and the structure of the Directorate of Peace and Security.*" Council directed the finance and administration committee to revisit the issue of the directorate "with due regard to the financial and the current EAC structure considerations." It also directed the working group on cross-cutting matters of peace and security and defence to "participate in the meetings of the finance and administration committee to provide additional technical advice."⁶³⁵ The directorate's establishment

632 EAC, 2007. *14th Ordinary Council of Ministers Meeting* (EAC/CM 14/2007 & EAC/SC/11/2007 Decisions 9-15). Arusha: EAC

633 EAC/CM 18/CC/2009; Onyonyi

634 EAC/CM 18/Decision 54, and EAC/CM19/2009

635 EAC, 2008 (30 Dec.). *Gazette*, Volume AT1, No. 005, p. 14. Arusha: EALA

became a sovereignty-bargaining problem as states sought to define its relationship with their national security agencies. Why? Because states knew that unlike the MoU, the protocol is legally binding. Once ratified it would legalise a supranational security directorate combining military and non-military issues—superintending national security agencies. States would be hard-pressed, yet obliged, to implement it.

Administratively, peace and security officials and DLOs at the secretariat would have merged to form the directorate. The DLOs are military experts from each partner state not below the rank of Colonel. They operated from Arusha wherefrom they had implemented the MoU. As experienced security officers they would have assisted their civilian counterparts to run the directorate. But DLOs reported *only* to the secretary general—and *only on administrative matters and to their home states on operational and technical matters*.⁶³⁶ Integrating DLOs in a legally-binding EAC directorate combining both military and non-military issues was difficult for it required altering their mandate, provisions on secrecy, and accountability to their home states.

Making DLOs answerable to the EAC directorate would *eat into* states' defence autonomy stressed in the MoU. Responsibility to their home ministries would be redirected to, if shared with, the directorate. States' oversight over DLOs' work would be replaced with a technically and operationally strong directorate. States feared such an authority structure for it contradicts their desire to retain defence autonomy and secrecy.⁶³⁷ After some bargains, states entrenched the DLOs' responsibility to their home states and secrecy in the defence protocol.⁶³⁸ To reveal sovereignty bargaining, I analyse joint, consultative, and other meetings informing these talks.

The meetings were consultative, multi-stakeholder, and multi-level (Fig. 1), making bargains dynamic and engaging processes. By the dusk of 2007, the draft security protocol had been negotiated at all levels, and was ready for Council's approval. But on 30 June 2008, the sectoral council on interstate security requested the 16th

636 EAC, Defence MoU; Defence Protocol

637 Kaguta, *Interview; Confidential*, August 2012. On DLOs' coordination roles, see Defence Protocol, Art. 15

638 Defence Protocol, Art. 20(2) and 20(3)

Council to stay the protocol's approval, pending the former's further input.⁶³⁹ The 16th Council, responding to the aforesaid request, did not approve the protocol. Instead, it directed the joint sectoral council–defence, interstate security, and foreign policy coordination–to meet and finalise the protocol. The joint meeting held on 30 October 2008 made some input and resolved that the secretariat convene an experts' meeting to formulate terms of reference listing officers' roles in the directorate; revise and technically systematise the draft protocol; and make necessary amendments. Then followed an experts' working group meeting. Each state sent three defence and security experts who joined the DLOs. The group reported to the secretariat, which submitted experts' revisions and the terms of reference to a joint councils' meeting on 25 February 2009.⁶⁴⁰

Councils did not resolve these issues. Negotiations continued: apparently new issues had emerged from experts' working group, which appears to have opposed the interweaving of defence with peace and security affairs.⁶⁴¹ Besides sidestepping the MoU arrangement, the directorate would be over-mandated and parallel to national defence ministries. The joint councils' meeting agreed to hold new state-level consultations focusing on the terms of reference, and informing the protocol's final content. This took months: in September 2009, Council recalled that protocol negotiations had taken two years. It still combined peace and security with defence affairs. This mix was challenged on technical grounds laced with sovereignty-related considerations, such as viewing militaries as defenders of states' sovereignty, territorial integrity, and strategic resources.⁶⁴² When the new draft protocol re-emerged on Council's agenda, Council referred it to the Sectoral Council on Legal and Judicial Affairs (SCLJA) for legal input. The directorate's financial implications had been referred to the finance and administration committee.⁶⁴³ Apparently, signing and ratification would follow the SCLJA's input.

639 EAC/SC/11/2007 Decisions 9-15, Ref: EAC/CM 14/2007.

640 A JCM combines sectoral councils and Council.

641 *Interview*, EALA/T/02/

642 Confidential Source

643 EAC, 2009. *18th Meeting of Council of Ministers: Report of the Meeting* (EAC/CM/CC/2009); EAC/CM/18/Decision 55. Arusha: EAC

The SCLJA, it appears, agreed to split the protocol into: (a) a defence protocol tailored along the MoU and focused on defence/military affairs; and (b) peace and security protocol covering non-military security issues.⁶⁴⁴ This separation of security issues became the second negotiated consensus after the security strategy. This is significant for some aspects of defence cooperation had evoked low-level SCs as did peace and security issues; the two were separated along different cooperation practices: confidence building measures in defence/military cooperation; and coordination in peace and security cooperation. Normal bargains were making headway. Would a protocol on “sensitive issues”, rebellions, have been negotiated through the same process? Doing so would be sowing seeds of interference in affected states’ sensitive domestic politics, and of compromising states’ desire to stand on their own in policing internal rebellion as informants argued.⁶⁴⁵

Negotiating the Mutual Defence Pact

Another issue that arose between 2009 and 2011 tested the efficacy of normal bargains in reaching consensual cooperation: a proposal to include a Mutual Defence Pact (MDP) in the defence protocol. It is unclear who suggested the MDP and why. Two postulates may explain this: first, states wanted to test the evolution of their ongoing confidence-building measures. They had incentives to further this cooperation to mutual defence in line with the EAC’s foreign policy coordination and general security cooperation.⁶⁴⁶ Previous cooperation under the MoU had built on an “already-established tradition of undertaking joint manoeuvres and military exercises” in East Africa which created institutional path-dependence.⁶⁴⁷ Scott et al argue that the existence of pre-existing institutions makes it easier for states to yield sovereignty to new institutions.⁶⁴⁸ If this holds, then in line with Scott et al, the MDP would be part of the institutional evolution of the EAC’s security regime.

644 Defence Protocol; Peace and Security Protocol

645 Kaguta; Sserwadda

646 EAC, Treaty

647 AU, *Solemn Declaration on CASDP*, p. 29

648 Scott et al, ‘Yielding Sovereignty to International Institutions’.

The second hypothesis: the MDP was intended to operationalise the APSA's evolving security measures that had been decentralised in "Regional Brigades", as rapid response units, with ROs as implementers.⁶⁴⁹ The MDP issue surfaced when bargaining progress had been realised. But it necessitated different bargains. If the changes at the AU were informing security measures at regional level, possibly the EAC was responding to continental changes in the African security regimes which position ROs under the AU as implementation levels.⁶⁵⁰ I focus on the bargains that informed this MDP, not why it was suggested.

The protocol's earlier drafts had not provided for the MDP. The provision was included around 2010. Article 17 of the 2011 draft protocol stated: "The Partner States undertake to negotiate and conclude a Mutual Defence Pact." The period within which to finalise the MDP remained unspecified. States then bargained on the timeline. The protocol's April 2012 version, which was signed, states: "The Partner States undertake to *negotiate and conclude a Mutual Defence Pact within one year upon entry into force* of this Protocol."⁶⁵¹ Again, states reached consensus following progressive, multi-level, negotiations. Readiness to negotiate an MDP indicates consensus on a new/future negotiation process, not an actual consensual Pact.

Tanzania initially opposed the MDP on sovereignty and commitment grounds: First, it argued that the Pact might contravene EAC principles of respect for state sovereignty and political independence.⁶⁵² It reasoned against entwining national defence with regional security: this would erode national defence autonomy which states had always feared⁶⁵³ given the histo-political reasons addressed in Chapter 4. For instance, EAC partner states' militaries have different traditions and historical roots (Ugandan, Rwandan and Burundian militaries are rebel-armies-turned-national-militaries; Kenya's and Tanzania's were colonial-armies-tuned-national-armies). While

649 Touray; Franke; Vines

650 Touray; Vines; Williams

651 Defence Protocol, Art. 17.

652 *Interview*, EALA/T/2, 19 Aug 2012.

653 Harelimana, *The EAC Political Federation*, p.5; EAC, *The EAC Political Federation*, p. 21

all militaries have undergone significant changes, these traditions are not easy to erase. This limits confidence among them, and perhaps explains why defence cooperation is limited to confidence-building measures.⁶⁵⁴

Second, Tanzania is also a member of the SADC (intended “Sadak”). A signatory to SADC’s Pact and the protocol on defence cooperation, Tanzania has SADC-level defence commitments. According to the SADC Pact, “An armed attack against a State Party shall be considered a threat to regional peace and security *and such an attack shall be met with immediate collective action*”, though states agreed that “*Each State Party shall participate in such collective action in any manner it deems appropriate*”⁶⁵⁵, leaving states with decisional autonomy. The EAC’s Pact would position EAC states together in case of armed conflict with a SADC member state. This places Tanzania in a commitment dilemma as a signatory to both Pacts.

Kenya and Uganda are also members of the Inter-Governmental Authority on Development (IGAD). However, compared to SADC, “IGAD does not have an equivalent of the PSC [peace and Security Council] that is distinct from its overall political organs: the Assembly of Heads of State and Government, and the Council of Ministers, and there are no plans to constitute one in the near future... It does not have the equivalent of the MSC [military staff committee], but an ad hoc panel of Chiefs of Defence Staff has been convened to provide advice on military issues such as its planned peace operation for Somalia which never materialized.”⁶⁵⁶ Thus, Kenya and Uganda have less security commitments in IGAD than Tanzania has in SADC.

States reached a third negotiated consensus: to separate the MDP from the protocol and postpone MDP-related negotiations. This is called “issue bracketing” in the EAC. By this technique, contentious issues that crop-up alongside less contentious ones during negotiations are first shelved. The less contentious ones are negotiated

654 Onyonyi, p. 16; Bonaya; Defence Protocol

655 SADC Mutual Defence Pact, Art 6(1) and (3); SADC, 2001. *Protocol on Politics, Defence and Security Co-operation*, Article 2(2)(h). Dar es Salaam: SADC

656 AU, APSA, p. 24

and concluded. Then bargains resume on the apparently contentious issues.⁶⁵⁷ Since Tanzania participated in negotiations besides its concerns, the decision is a negotiated consensus. Does not issue-bracketing indicate—if result from—high-level SCs as states may need others’ help, “collective action”, against external threats? Why is issue-bracketing not applicable to rebellions to alleviate, with time, the high-level SCs the issue evokes? If the MDP had evoked high-level SCs, Tanzania would have stymied consensus on its future negotiation. As I indicate in previous chapters, where security issues evoke high-level SCs negotiations are next to impossible.

Yet these questions are useful for analytically distinguishing external/conventional from internal security threats and for appreciating why these issues evoke different levels of SCs. Nothing contradicts Tanzania’s expression of SCs when it underlined the MDP’s sovereignty implications. Issue-bracketing may arise from some level of SCs. But it is itself an outcome of ongoing bargains. It thus signifies consensus on clearly-specified future negotiations. Low-level SCs is *not synonymous with zero* SCs. This is the basis of normal sovereignty bargains after all. Issue-bracketing was not possible with critical-sovereignty issues. Not only did it arise in the context of ongoing bargaining processes, but it entailed commitment to negotiate and possibly cooperate on the issue. I argue that no bargains were observed on critical-sovereignty issues. Excluded from the common agenda, these issues were hardly negotiable. States issue-bracketed when already bargaining on other issues.

Issue-bracketing on the issue on which states already eschewed bargains, for fear that the result might erode their meta-political authority, was unthinkable: “in the development of the protocol... you wouldn’t even want to start talking about armed rebellions.”⁶⁵⁸ Not talked about, rebellions could not be negotiated. Being non-negotiable, they were not amenable to issue-bracketing. Policymakers perceived security issues for which they were negotiating the protocol as external and nonspecific to any state: they *were not* “sensitive internal issues

⁶⁵⁷ Niyonzima, *Interview*.

⁶⁵⁸ Confidential

of a political nature.”⁶⁵⁹ Transnational rebellions are judged to be rooted in the state’s political superstructure. They revolve around states’ monopoly of coercion. And yet EAC states uphold the principle of non-interference: “we do not move to police other countries” since “we are still sovereign states.”⁶⁶⁰ Therefore, procedures that spawned the MDP were unlikely for rebellions *which* had already evoked high-level SCs that precluded bargains on their inclusion in the security strategy and defence protocol of which the MDP is a part.

Taking rebellions as politically sensitive and internal makes them non-negotiable unlike the MDP that targets external threats. States view external defence and rebellions differently: “externalized defence cooperation is much less threatening to the regimes in power, helps shore up sovereignty, and if push comes to shove can easily be backed out of using some convincing face saving strategy.”⁶⁶¹ Mutual defence entails collective efforts against external threats; handling rebellions indicates interference in states’ internal political-security affairs contrary to the principle of non-intervention. Mutual defence resembles “cooperation as self-help” for external threats are beyond any given state’s control.⁶⁶² But “Rebellions are not even like an external attack and it [the EAC’s involvement] may be seen as... interference in domestic matters.”⁶⁶³ Rebel conflicts evoke fears of losing control over states’ internal politico-security domains: “The leaders may be seen as not controlling their domestic affairs.”⁶⁶⁴ Being rooted in internal affairs, Museveni’s argues, national “actors are the ones best qualified to sit and delve into their history in order to discover” solutions to their conflicts instead of external, interventionist processes.⁶⁶⁵ Otherwise, states would sacrifice their meta-political authority at the altar of cooperative security.

The MDP itself need not erode Tanzania’s meta-political authority for two reasons: first, it might be limited like SADC’s to: joint training, information exchange “subject to any restrictions or otherwise of national security”; and

659 EAC/SHS 13/2011, Annex IX, p 4, 15

660 Rotich, *Interview*

661 Heilman

662 Charles L. Glaser, 1995. ‘Realists as Optimists: Cooperation as Self-Help.’ *International Security*, 19 (3):50-90

663 Niyongabire

664 Ibid

665 Museveni, Speech at the Inauguration of Uhuru Kenyatta

joint research, production, and acquisition of military equipment.⁶⁶⁶ Second, it might retain decisional autonomy as upheld in SADC's Pact. However, it might create commitment problems: SADC states declared "that none of the international engagements between them and with any Third Party is in conflict with the spirit and provisions of this Pact", and that any such inconsistencies had to be amended.⁶⁶⁷

My findings reveal three possible futures for Tanzania on the MDP. First, it may autonomously decide whether to belong to SADC or the EAC Pact. This commitment demand is problematic for the EAC: it might contradict the spirit of security cooperation in East Africa which Tanzania has historically founded if the country sides with SADC. Second, with cooperation from other EAC partner states Tanzania may carry out national consultations and with SADC. Following these consultations, where possible even a referendum, provisions in the EAC Pact that might contradict SADC's become predictable. This may help states to harmonise the EAC Pact with SADC's.

Harmonisation of the EAC-SADC MDPs would be consistent with Africa's regional conventions that are always harmonised and made consistent with UN and AU Charters.⁶⁶⁸ Third, the EAC Pact may be "variated." Here, on certain issues or at certain thresholds the MDP includes every EAC partner state. On other issues or at other thresholds it allows Tanzania to decide.⁶⁶⁹ Since the decision to make commitments in IOs "is a sovereign decision"⁶⁷⁰, Tanzania will freely decide in line with "respect for political independence" in the protocol. It participated in bargains that generated this consensus: the protocol's provision for the MDP. The future will tell whether Tanzania accedes to the EAC Pact, whether it is "variated", or harmonised with SADC's.⁶⁷¹

666 SADC MDP, Art. 9

667 SADC/MDP, Art. 15

668 Consider Art 15 (3)–(4) of SADC/MDP

669 Confidential, Arusha, 21 Sept. 2012.

670 Ibid

671 Bearce, Floros and McKibben. Recent unverified reports indicate that Kenya, Rwanda, and Uganda signed a Trilateral MDP—not an EAC one—with Tanzania and Burundi as observers. Alex Masereka, 2014 (Feb. 21). 'EAC Leaders Sign Mutual Defense Pact' (from: <http://www.redpepper.co.ug/eac-leaders-sign-mutual-defense-pact/>, accessed 15 March 2014). Kampala: *The Red Pepper*

The above bargains indicate states' awareness that the MDP can preserve their meta-political authority on three grounds. First, it may be limited in scope. Example: in the SADC Pact, a state *participates in "collective action in any manner it deems appropriate."* Second, MDPs are not necessarily impositions upon states: in SADC "No action shall be taken to assist any State Party in terms of this Pact, save at the State Party's own request or with its consent."⁶⁷² EAC states "have not reached a point where your enemy is my enemy"⁶⁷³, implying that the MDP will be limited. Considering Tanzania's objections and SADC's Pact, I expect the EAC Pact to be designed in a way that respects states' meta-political authority thanks to EAC decision-making rules. It is unexpected that the EAC would intervene directly in states' security domains with neither states' consent nor invitation. States believe such a mandate would afflict them with "the costs of formal organization, and the irritations of IO autonomy."⁶⁷⁴ Like SADC's, the EAC's MDP will most likely allow states to decide whether they need assistance for their defence needs, and to retain control over their defence systems to uphold states' constitutional provisions that place command over armed forces under national executive leaderships.⁶⁷⁵

An agreement on rebellions that is similarly respectful of states' meta-political authority is difficult to make owing to rebellions' domestic-political sensitivity that evoked high-level SCs⁶⁷⁶, thereby precluding bargains on them: "in the development of the protocol [of which the MDP is a part]... one of the things you don't want to start with is talking about internal conflicts—that would stall negotiations."⁶⁷⁷ The informant added: "the protocol will not necessarily have a supranational authority to enforce it; its enforcement depends on national compliance and political will." I showed (Chapter 4) that peaceful solutions to rebel conflicts are problematic owing to the difficulty of addressing their causal and historical intricacies. Since states believe external solutions to internal insecurity

672 SADC MDP, Art. 7(2) - except "where the Summit decides that action needs to be taken in accordance with the Protocol."

673 Waffubwa, *Interview*

674 Abbot and Snidal, p. 5

675 EALA/P/02, Nairobi, 21 August 2012

676 EAC/SHS 13/2011, p. 15

677 George O. Arogo, *Interview*, Nairobi, 06 Sept 2012.

signify “a vote of no confidence in your people” and “an insult to” states⁶⁷⁸, agreement on rebellions is hampered by the continued belief that states need to address it on their own.⁶⁷⁹ As long as states avoid threats to each other’s meta-political authority by reproducing histo-political principles of respect for state sovereignty, normal bargains are possible on the MDP but difficult on rebellions. I show below, how states’ realisation that they can coordinate without compromising their meta-political authority made state agencies fulcrums around which the EAC’s counterterrorism and anti-SALWs measures revolve.

Security Cooperation: Terrorism and SALWs

Security cooperation in the EAC encompasses several security issues which collectively evoked low-level SCs that generated normal bargains on the issues’ inclusion in the cooperation framework. Terrorism and SALWs⁶⁸⁰ represent other security issues for three reasons. First, while non-military security issues were separated from military/defence issues in the two protocols hitherto examined, cooperation on terrorism is provided for in both the defence protocol under joint military exercises on counterterrorism operations and the peace and security protocol where SALWs are addressed.⁶⁸¹ This indicates that both issues have something in common: their external origins, intensity in the African security landscape, and being designated as “crosscutting issues”—those that involve both military, police and intelligence agencies—in the EAC.⁶⁸²

Second, terrorism and SALWs are intricately related to rebellions: they all thrive on small arms, illicit economies, transnational networks, and porous borders. Contrasting coordination on these issues with non-cooperation on rebellions is useful for methodologically and analytically unravelling the nuances of issue differentiation based on the intensity of SCs that inform this cooperation. It also underscores the different natures states attach to

678 Yoweri Museveni, HE, Speech to EALA, 24 April 2013

679 Kaguta; Sserwadda; Museveni

680 Protocol, Art. 6 & 11

681 Defence Protocol, Art. 6(e) and 7(c); Richard Ssezibera, 2011. ‘Welcoming Remarks at the Opening Ceremony of the EAC Military Command Post Exercise “Ushirikiano Imara”’. Nyakimana: Rwanda Military Academy.

682 EAC/CM 14/2007, p. 101

these different issues: rebellions as “sensitive” and “of a political nature”; terrorism and SALWs as non-sensitive and more of a criminal nature. These varying categorisations inform different state responses.

Third, coordination entails interstate reciprocity. This demands balancing state autonomy and interdependence which necessitates reciprocal behaviours and actions. For instance, joint counterterrorism measures require sharing terrorism-related intelligence and arrest of terrorist suspects across states’ borders. The modalities of coordination were negotiated and interdependence achieved through normal bargaining.

A) TERRORISM

When weighed on the parameters for judging whether security issues evoke low-level or high-level SCs examined in Chapter 4—whether states interpret the issue to be domestic and/or directly related to a particular state; the challenge of using regional agencies to resolve the issue; and states’ projection of the belief that sovereign entities should manage the issue with their own resources and authority structures—terrorism evoked low-level SCs. This created incentives for bargains on how to address terrorism. I neither examine the roots of terror nor evaluate the effectiveness of the EAC’s counterterrorism efforts. I only show how normal bargains influenced the EAC’s anti-terror measures. My analysis also fits in the global counterterrorism context while also addressing EAC-specific dynamics of cooperating on a global security issue.

Terrorism Evoked Low-Level SCs

On the security issue’s domestic/international interpretation, states realised that terrorism had entered the East African security landscape after 1998, though the first foreign terror attack in the region occurred against Kenya in 1981. The attack allegedly revenged the 1976 hostage taking (Air France Flight 139) after which Kenya allegedly collaborated with Israel, intricately linking East Africa’s 1981, 1998, and subsequent terrorist attacks with the north-west Asian (aka Middle East) Question. This evolved in several ways and steps:

- (i) Kenya was believed to have arrested and detained Palestinian ‘terrorists’ three years before 1976. Following the Flight 139 hostage taking in which the plane was flown to Entebbe, Uganda, and all Israelis on the plane held hostage by Palestinian terrorists apparently with President Idi Amin’s nod, Israeli commandoes attacked Entebbe International Airport and rescued the hostages. Apparently the 1981 attack revenged Kenya’s collaboration with Israel in the Entebbe raid;
- (ii) The northwest Asian (Middle Eastern) Question, including US involvement in Gulf Wars since 1991, is used to enthuse other Islamic terrorisms that hardly spare East Africa. Originally headquartered in Afghanistan, with a presence in Peshawar, Pakistan, and the Alkifah Refugee Centre in Brooklyn, New York, al-Qaeda’s leadership, including Osama bin Laden, are believed to have lived/been exiled in Sudan between 1991 and 1996. They operated from the Riyadh section of Khartoum and established several terrorism-supporting businesses there.⁶⁸³ During this period they seem to have linked with other Islamic fundamentalists (such as the Egyptian Islamic Jihad, Gemaa’t/el Gamaa Islamia, the National Islamic Front in Sudan) and established micro-terror cells in Eritrea, Somalia, and elsewhere in the Nile Valley targeting US allies in Eastern Africa and the Horn;
- (iii) A terrorist cell was established in Kenya in 1993-1994 with training guesthouses and business disguises: Khalid Al-Fawwaz set up “Asma Limited” in Nairobi (later transferred it to Abu Ubaidah al Bانشري, alias “Galal Fouad Elmeligy Abdeldaim”); Wadih el-Hage founded the organisation “Help African People”, and a business, “Tanzanite King”, in Nairobi; Mohammed Sadeek Odeh set up fishing business in Mombasa. These were used to raise funds for terrorist training and operations;
- (iv) Other cells were set up in Somalia and Tanzania, 1991-1996. The Cells were interconnected and linked through Sudan and the Middle East, creating a Nile Valley-Middle East complex network.

⁶⁸³ Including a holding company known as “Wadi al Aqiq”; a construction business called “Al Hijra”; an agricultural company called “al Thamar al Mubarak”; an investment company called “Ladin International”; an investment company called “Taba Investments”; a leather company known as “Khartoum Tannery”; and a transportation company, “Qudarat Transport Company.” Fn below.

- (v) Some Ugandan rebel fighters (mainly the ADF led by Jamil Mukulu) seem to have received training and support from global terrorist groups, including Islamic fundamentalists in the Nile Valley and beyond.⁶⁸⁴ Some are believed to have acquired terrorism training from Afghanistan, perhaps exploiting linkages with al-Qaeda in Afghanistan and other areas in the Asia-Persian region

Since 1981, and mainly after 1998, Kenya, more than any other East African country⁶⁸⁵, has suffered countless terrorist attacks with devastating consequences for the Region. A combination of proximity to Somalia, and Sudan; apparent globalisation of, and involvement in, the Northwest Asia/Middle Eastern Question because of close ties with Israel; disgruntled religio-cultural communities in this geopolitically contiguous region; civil conflicts in the Uganda-Sudan-Ethiopia axis; state failures in Zaire/DRC; and underdevelopment, have made East Africa a “soft target” and victim of global and regional terrorism. Therefore, EAC partner states viewed terrorism as a serious, foreign, indiscriminate security threat.

Accordingly, states agreed to review “the region’s security particularly on the threat of terrorism and [to] formulate measures for combating terrorism.”⁶⁸⁶ As the threat intensified over time, a ministerial meeting designated it as an “external security challenge” and observed that: “increasingly terrorism has moved closer to the region, largely facilitated by the presence of ungoverned space in the neighbouring Somalia.”⁶⁸⁷ Hence, terrorism was a distant threat which was “increasingly” moving “closer”. The Council observed: “terrorism remains one of the most serious threats to regional peace and security”, and that “the situation in Somalia has exacerbated the situation with the emergence of home-grown terrorists.”⁶⁸⁸ Perceived to originate from outside, terrorism was now becoming “home-grown”. The emergence of al-Shabaab in Somalia—a group believed to be al-Qaeda’s

684 Okumu; US District Court, 2001. *United States of America Vs. Usama bin Laden and several Others*. Southern District of New York. Court Indictment

685 Exception: Uganda suffered years of domestic terrorism. Okumu

686 Treaty, Art. 124(6)

687 EAC/SHS 13/2011, Annex IX, p. 5

688 Ibid, p. 3

most active cell in Eastern Africa—worsened this fear. Clearly, then, terrorism is not internal to any state in origin but exogenous to East Africa. No state claimed self-sufficient counterterrorism capability. Some terrorists may be aggrieved national citizens using terror as a method of struggle. But it is easy, even legitimate, to externalise terrorism, to link it with foreign actors like al-Qaeda. Terrorism, then, became a coordination-problem security issue: it evoked low-level SCs leading to bargains on regional counterterrorism measures.

Having designated terrorism as a serious, external, security issue, the challenge was how to address it. On the necessity of using regional structures to “combat terrorism”, states undertook expert analyses of the issue. This involved “highly consultative and inclusive processes”⁶⁸⁹ in which states bargained on *how* to cooperate. In most meetings emphasis was put on developing national anti-terror agencies instead of a regional one.⁶⁹⁰ States realised counterterrorism measures are possible with national agencies coordinating their anti-terror responses within and beyond the region. Once states realised that coordination would sidestep a regional security structure overlaying state agencies, terrorism was included in the peace and security strategy.⁶⁹¹

Heads of National Coordination Agencies met in Dar es Salaam, 31 March–2 April 2011, and concluded a sub-sectoral implementation plan. EAC states, together with COMESA and IGAD states, developed a joint counterterrorism program for EU support that would reinforce these national agencies. IGAD is also “central to the political and security architecture in the Horn of Africa and it has played a key role in the Sudan and Somalia peace processes”⁶⁹² including counterterrorism measures. Eventually, terrorism was included in both protocols and involves engaging other actors. States have admitted the need for joint anti-terror efforts since 1998. Terrorism not only demands immediate collective response; it also defies state self-reliance. States’ earlier counterterrorism coordination, which had been affected by differing national laws and policies, terrorism’s

689 Kiraso

690 Councils, and Experts Meetings, 2005-2010

691 Strategy, Obj. 12

692 AU, 2013. *Status of Integration in Africa IV*, Addis Ababa: AU Commission, p. 100-101 (from [http://ea.au.int/en/sites/default/files/SIA%202013\(latest\)_En.pdf](http://ea.au.int/en/sites/default/files/SIA%202013(latest)_En.pdf), 20 July 2014).

transnationality, absence of a regional focal point for addressing terror, and the fact that “not all partner states [had] established an Inter-Agency National Focal Point on terrorism”⁶⁹³ were now systematised. This led to regional institutional measures that were later legalised in protocols. Besides, states seem to have also realised that non-cooperation would leave them worse off compared to coordination/interdependence.

Bargains on Regional Counterterrorism Measures

I have shown that terrorism evoked low-level SCs that incentivised states to coordinate their anti-terror responses. I now examine the bargains that led to cooperation on terror. States engaged in normal bargains after realising terrorism’s urgency and appreciating the possibility of sovereignty-sensitive cooperation on it. They included it in the Treaty, negotiated modalities for addressing it, later legalised their efforts in protocols. Bargains addressed capacity-building for states’ anti-terror agencies—instead of EAC structures. The resulting counterterrorism practices respect states’ meta-political authority (forthcoming). Unlike rebellions which were taken to be “sensitive issues” linked to origin states’ internal politics—leading to silence about them during agenda setting—the concerns informing bargains on terrorism were delinked from particular states. Thus, EAC partner states undertook “to formulate security measures to combat terrorism”⁶⁹⁴ mainly after 1998.

Prior to the 7 August 1998 terrorist bombing of U.S. embassies in Nairobi and Dar es Salaam few East Africans appreciated the *intensity* and *extensity* of terrorism.⁶⁹⁵ Its “intensity”—how deeply it had penetrated East Africa; and “extensity”—how widespread and broadly knitted it was in the world—were still remote realities even to the US public. This information was perhaps limited to security-intelligence circles. The bombings exposed terrorism as a threat not limited to victim states: any other state could be targeted. Contrarily, no other state would be

693 EAC, 2005. *10th Meeting of Council of Ministers: Report of Meeting* (EAC/CM 10/2005), p. 51. Arusha: EAC

694 Treaty, Art 146(6)

695 Okumu. Uganda, however, always insisted that its rebel groups—ADF and LRA—had links with global terrorist networks, that their fighters had terrorism training from Afghanistan, and that they behaved like terrorists (Appendix II). 7 August 1998 marked the 8th anniversary of US forces’ arrival in Saudi Arabia, and “One of the principal goals of al Qaeda was to [violently] drive the United States armed forces out of Saudi Arabia” the Saudi Arabian peninsula “and Somalia”. USA Vs Usama bin Laden, *Court Indictment*, p. 5 (<http://cns.miiis.edu/reports/pdfs/binladen/indict.pdf>, 25 June 2014)

directly targeted by rebels unless it allied with a beleaguered state against a rebel movement. Perhaps the 1998 bombings impelled states' emphasis on terrorism in the Treaty. As terrorism intensified concerted responses, cooperation, became crucial: "the situation in Somalia" exacerbated the threat with "the emergence of home-grown terrorists."⁶⁹⁶ Over time, actors appreciated that "the recent political unrest in the Sahel and Maghreb regions of North and West Africa presents a challenge"⁶⁹⁷ that states must contend with.

I examined the influence of normal bargaining on the nature and scope of the EAC's counterterrorism measures in the process of developing protocols. Via the same process, terrorism was included in the EAC peace and security strategy and later protocol. States still limited terrorism cooperation to building databases, computerising entry-and-exit points, passing national legislations, and sharing information. By 2004, there were no data-bases on terrorism, no regional mechanism for terror-intelligence collection and analysis, limited coordination between states, and limited public awareness about the threat of terror. States appreciated the need to address these limitations so as to ensure coordination between national agencies in line with Article 126 of the Treaty.⁶⁹⁸

In a ministerial meeting, which had appreciated the limitations of uncoordinated responses and differing national laws and policies on terrorism, states agreed to establish "a joint forum of the Chiefs of Police, Chiefs of Defence, and Chiefs of intelligence" and a "Joint Experts Working Group on cross-cutting issues" (incl. terrorism and SALWs) to handle these issues.⁶⁹⁹ The experts included representatives from states' security agencies, and reported to the joint Committee/forum. Although states did "not provide for a joint forum at policy making level", states quickly realised that "the establishment of the Sectoral Council on interstate security should be done as a matter of urgency to operationalize the institutional framework", the security chiefs' "joint forum" and its

696 EAC/SHS 13/2011, Annex IX, p. 3

697 RECSA, 2013. *Statement by the Executive Secretary on the Westgate Mall Terrorist Attack*. Nairobi: RECSA

698 EAC, 2005. *10th Meeting of the Council of Ministers – Report of the Council* (Ref: EAC/CM/10/2005). Arusha: EAC, p. 51

699 EAC/CM 14/2007, p. 101; EAC, 2006. *13th Meeting of the Council of Ministers: Report of the Meeting* (EAC/CM 13/2006), Arusha: EAC, p. 69

subordinate experts working group, to address terrorism.⁷⁰⁰ States also agreed to “consider the manner in which cross-cutting issues are handled at national level through the interagency meetings. *The issues which are not handled jointly at national level [viz “sensitive ones of a political nature”] should not be included as it will cause confusion at regional level.*”⁷⁰¹ These measures were simultaneous with negotiations on the protocol.

Following rounds of negotiations and institutional trials, states agreed to coordinate national expert efforts at regional level. This followed the realisation that terrorism “transcends the traditional organs of law and order and requires a multidisciplinary approach” and input from neighbours.⁷⁰² An experts’ meeting was scheduled for 27-28 September 2005. It “did not take place because the Partner States delegations were not adequately represented.”⁷⁰³ States still retained autonomous responses to terror: by 2006, Uganda and Kenya had set up national counterterrorism agencies but had limited coordination between them. Tanzania had not established its own. But national efforts remained futile as countries continued to suffer terrorist threats. States allowed their intelligence chiefs to share terrorism information. They soon realised the need for EAC-level mechanisms “to coordinate and communicate with National Focal Points regularly” and to establish “Standing Operating Procedures” for such coordination.⁷⁰⁴ Via consultative, inclusive, processes involving multi-level consensus, experts’ meetings became regular as states negotiated the Security Strategy.

The strategy’s 12th goal is to “formulate security measures to combat terrorism.”⁷⁰⁵ Council adopted the strategy in 2006, and encouraged negotiations on the protocol. Ministerial meetings between 2005 and 2010 also addressed the issue of terrorism, constantly reviewing progress made by negotiating teams. By 2011, terrorism was already acknowledged as “one of the most serious threats to regional peace and security”, whose inclusion

⁷⁰⁰ Ibid, p. 102

⁷⁰¹ EAC/CM 14/2007, p. 101

⁷⁰² EAC, 2005. *Report of Meeting of Sectoral Committee on Cooperation in Defence Affairs* (EAC/SR/27/2005). Arusha: EAC, pp. 18-19

⁷⁰³ EAC/CM 12/2006, p. 36-7

⁷⁰⁴ EAC/CM 13/2006, p. 70

⁷⁰⁵ EAC, Peace and Security Strategy, p. 6

in the protocol was a necessary step toward regional counterterrorism measures. The protocol legalises the EAC's anti-terror agenda and specifies cooperation practices: hitherto unilateral responses are now regional. Bargains had been consistent, multi-level, involved institutional trials, expert analyses, and policy guidance.

During these negotiations, 2004-2010, states realised the need for national anti-terrorism legislations that would legalise their respective agencies' operations. States appreciated the importance of anti-terrorism institutional capacity-building; joint trainings; exchange of intelligence on terrorist suspicions; enhanced security of borders and entry points; and a regional forensic centre.⁷⁰⁶ Since states agreed to anchor their cooperation on national focal points, their efforts would strengthen national anti-terrorism agencies and improve states' capabilities. This echoes Litfin's view that cooperation may improve states' capacities. Vitally, it shows that states decide the nature and scope of cooperation to do just that: to strengthen—not erode/weaken—national authority structures.

Counterterrorism Measures Respect States' Meta-Political Authority

The threat of terrorism showed that non-cooperation could leave states worse off by allowing terrorist cells to mushroom throughout East Africa. After technically and politically analysing the problem states came up with cooperation practices which are included in the protocol. Joint meetings, joint trainings on terror alertness among states' security forces; sharing information on suspected terrorist movements; sharing of infrastructure and services; and working with international anti-terror efforts, typify counterterrorism measures in the EAC.⁷⁰⁷

These efforts enhance states' meta-political authority by: (i) constituting national anti-terrorism agencies; (ii) strengthening these agencies; and (iii) legitimising states' counterterrorism operations in and beyond East Africa. States stressed capacity-building for their anti-terror agencies, not an EAC agency. Today, national laws and

⁷⁰⁶ Strategy, pp. 31-35; EAC/CM 10, 11, 12, & 13

⁷⁰⁷ US DS, Country Reports on Terrorism, 2004-2011. and Patterns of Global Terrorism, 2000-2003 Reports. Washington DC: Office of the Coordinator for Counterterrorism (hereinafter "Country Reports on Terrorism")

policies are being harmonised. Coordination is deepening.⁷⁰⁸ I hereafter examine (i) the salience of states' agencies in the EAC's anti-terror efforts and; and (ii) how these efforts relate to states' sovereign authority.

On the establishment and strengthening of states' counterterrorism agencies, states avoided a regional focal point with powers over national focal points (NFPs). Coordination modalities were that the regional focal point would coordinate and communicate regularly with NFPs; NFPs would regularly exchange information⁷⁰⁹; and security agencies in states where suspected terrorists are believed to be hiding track these suspects. Through bargaining states eschewed EAC-level security structures that would erode the meta-political authority embodied in states' authority structures. States agreed to initiate "measures to prevent and regulate [the] movement of explosives or any other dangerous material including chemical, biological, nuclear, or hazardous substances which can be used as weapons of mass destruction"; conduct joint training; share information on "movement of persons and/or groups suspected of having links with terrorist networks"⁷¹⁰; and establish anti-terrorism task forces as national anti-terrorism agencies.⁷¹¹ These actions would ensure states' control over agenda setting and implementation while legitimising the EAC's anti-terror efforts in the global war on terror.

Apart from a regional forensic referral centre (RFRC), I found no other regional agency that was created outside of national structures. Even then, states established the RFRC after realising that "establishing such kind of forensic centre (scientific analytical laboratories) is expensive for individual Partner States" and that "there is need for joint funding of a regional forensic laboratory."⁷¹² Even if a state unilaterally established this expensive forensic centre nothing guarantees it as safer from terrorism than cooperating states given terrorism's global nature. Hence Stein's view: with coordination problems non-cooperation hardly benefits actors and insignificantly

708 *Interview*, MIN/PUB SEC/B/01, Bujumbura, 31 Aug. 2012; *Interviews*, Kampala and Bujumbura, Aug.-Dec. 2012

709 EAC/CM13/2006, p. 70

710 *Strategy*, p. 34

711 *Country Report on Terrorism*, 2012, pp. 11-39

712 *Strategy*, p. 34

costs compliant actors. Instead, cooperation ensures joint maximisation of benefits. I analyse: (a) the RFRC; (b) cooperation with global counterterrorism measures; and (c) implications for states' meta-political authority below.

The RFRC—intended to provide best-case joint forensic facilities necessary for effective counterterrorism—was established following a bargaining process. It would reduce technical limitations at national level and address other crosscutting issues like transnational crime, drugs and human trafficking, and SALWs via coordinated interagency work.⁷¹³ This required pooling resources, recruiting and training personnel, and identifying a suitable location. States chose Uganda Police Force's forensic centre and laboratory in Naguru, Kampala, as the RFRC. This decision arose from formal negotiations, expert analyses, consultations, and council meetings.

A working group of forensic experts had recommended the establishment of a regional forensic centre in 2003. But policymakers chose to buy time under the guise of seeking more information. They demanded wider and deeper expert investigations on other forensic centres worldwide.⁷¹⁴ And yet technocrats persisted in their demand, forcing policymakers into consistent consultative meetings. Police commanders again demanded the RFRC in 2008. The sectoral council—which was “composed of Ministers responsible for Home/Internal Affairs, Security/Intelligence, Public Safety and Security, Disaster Management, and other relevant sectors”—directed the secretariat to assess states' forensic capabilities in order to decide the country most suitable to host the RFRC.⁷¹⁵ A GIZ-supported team of forensic experts from all states was constituted to conduct the assessment. Its report was submitted to the second EAC police chiefs' meeting in Kigali, 23–24 August 2012. Police chiefs unanimously endorsed Uganda, recommending their endorsement to the sectoral council. Ministers adopted this recommendation on 27th August 2012. Modalities for regional forensic research are thus: the “expertise and knowledge [of Uganda's forensic centre] will be available to the [rest of the] EAC” states in order “to develop a

713 EAC/CM 14/2007, pp. 101-106

714 EAC, 2004. *Seventh Meeting of the Council of Ministers* (EAC/CM7/07/2004). Arusha: EAC, p. 136

715 EAC Gazette, 2008, Volume AT 1, No. 005, p. 14

regional response to assist in the enhancement of law and order across the Region.”⁷¹⁶ Therefore, the choice was a consensual result of a bargaining process at technical and policy levels.

On (b)–joining international counterterrorism efforts–EAC states agreed to work with regional, continental, and international actors.⁷¹⁷ By implementing the APSA by which the AU links RECs with international actors⁷¹⁸, EAC partner states joined global counterterrorism efforts as these efforts supplement the EAC’s objectives.⁷¹⁹ This legitimises, and facilitates, EAC partner states’ counterterrorism measures.⁷²⁰ The USA, for instance, supports African anti-terror responses via the Trans-Sahara Counterterrorism Partnership in North-West Africa; and the East Africa Regional Strategic Initiative which includes EAC states. Started in 2009, the “Initiative” was renamed Partnership for Regional East African Counterterrorism. This “US-supported, multi-year, multi-faceted program” builds member countries’ counterterrorism capability “to thwart short-term terrorist threats and address longer-term vulnerabilities.”⁷²¹ It uses law enforcement, intelligence, military agencies, and development resources to reduce terrorist networks’ operational capacity. The initiative entails expanding border security, intelligence sharing, discrediting terrorist ideology, and institutionalisation of inter-state coordination.

Under intelligence sharing and coordinated operations, for instance, Burundi worked with Tanzania to infiltrate and arrest Burundian terrorists hiding in Tanzania.⁷²² Kenyan immigration officials also arrested 10 Tanzanian nationals suspected of terrorist links from the Kenya-Somalia border. The suspects had eluded detection via Tanzania and Kenya, and almost entered Somalia. No state would interpret these cooperative efforts as violating

716 CP Lt Magulu and Didacus Kaguta, 2013. ‘Regional Forensic Laboratory to become Centre of Excellence.’ *EAPCO Magazine*, Kampala: EAPCO, pp. 26-8

717 Council’s and experts’ meetings, 2005-2012; Alfred Anangwe, 2006. ‘International Terrorism and East African sub-regionalism: Developing a Sub-regional Tourism Industry in the Face of War.’ *African Journal of International Affairs*, 7 (1&2):81–97

718 APSA; Vines, p. 109

719 Treaty, Article 130

720 Anangwe; van Nieuwkerk; Mark Oliver, 2007 (Thurs., 12 April). ‘Timeline: Terror Attacks in Africa’. *The Guardian* (online: <http://www.guardian.co.uk/world/2007/apr/12/alqaida.terrorism>, accessed 5 June 2013)

721 Country Reports on Terrorism 2010, pp 8-9

722 Field findings, Bujumbura, Aug. 2012

its sovereignty: each state's agency made the arrests independently. The interventions thrive on political good will and coordination under the principle of "mutual assistance on criminal matters" and "good neighbourliness"⁷²³ which uphold the UN-AU-EAC principle of non-interference.

When Burundi and Uganda contributed troops to the AU Mission in Somalia (AMISOM), they faced retaliatory threats from the Somalia-based al-Shabaab. AMISOM is part of EAC states' contribution to international counterterrorism efforts. It seeks to route the Al-Qaeda-linked al-Shabaab out of Somalia. Therefore, unlike rebel groups like Rwanda's Democratic Forces for the Liberation of Rwanda (DFLR) or Uganda's LRA, the al-Shabaab is part of global terrorism: I earlier outlined the complex global terrorist linkages revolving around al-Qaeda in Eastern Africa. Al-Shabaab is unlike the DFLR or LRA which are rooted in Rwanda and Uganda's domestic ethno-political, ethno-regional, and histo-political issues, notwithstanding their transnational security impact. Only Burundi and Uganda, for the first 3 years, contributed troops to the AMISOM⁷²⁴ under the auspices of the AU, not as the EAC. Backing the National Security Forces of Somalia's Transitional Federal Government, AMISOM was "a critical partner in the fight against al-Shabaab."⁷²⁵ Al-Shabaab's threats motivated Burundi and Uganda to intensify intelligence sharing on terrorism. After the July 2010 terrorist attack in Kampala—for which al-Shabaab claimed responsibility—these measures were enhanced as Burundi faced repeated threats too.

Burundi established an Anti-Terror Cell chaired by the Minister of Public Security. The Cell had been dormant for lack of resources and limited technical capacity since 2009. Since the Kampala bombings, however, "the Burundian security forces have shifted some of their focus from internal political issues and begun to build

723 Global Terrorism Report, 2011, p.33; EAC, Treaty, Art. 124

724 Fisher, 'Managing Donor Perceptions'.

725 USDS, Country Reports on Terrorism 2010, pp 8-9. On Somalia's TFG, see: Agreement between Transitional Federal Government of Somalia, and Alliance for the Re-Liberation of Somalia, Djibouti, 9 June 2008; Agreement between the President of the Transitional Federal Government of Somalia and the Speaker of the Transitional Federal Parliament of Somalia Made in Kampala on 9th June 2011 (Kampala Accord), Kampala. The EAC Summit "expressed support for the Kampala Accord regarding the regional political peace initiative in Somalia": EAC, 2012 (20 Jan.), *EAC Gazette*, Vol. AT 1, No. 2(EAC/SHS 13/Decision 05), p. 2

counterterrorism capacity.”⁷²⁶ The Cell combines intelligence operations, tactical officers from the police, military, and intelligence services, and investigators. This is consistent with the consensus to develop states’ institutional capacity, then coordinate national efforts. In August 2010, Burundian and Ugandan authorities cooperated “in connection with a Ugandan national in Burundi who was believed to be associated with Ugandan terrorist suspects.”⁷²⁷ When suspected terrorists cross borders they are not safer: “If people commit crimes in one Partner State and flee to another, because of information sharing they can be arrested and transferred back where the crime was committed.”⁷²⁸ In 2013, the EAC sectoral council on defence cooperation agreed to allow states’ military intelligence chiefs “to reassess the national and regional counter-terrorism capacities with the view to strengthen the fight against terrorism at national level and within the EAC.”⁷²⁹

The implication of these measures for states’ meta-political authority is now clear. Instead of eroding states’ ultimate-political authority, coordination ensures mutual assistance on terrorism. Besides, counterterrorism capacities are improved via joint training, shared structures, and global-war-on-terror efforts.⁷³⁰ States had incentives to bargain on cooperation practices that strengthen their national anti-terror capabilities. Eventually, states retain control over counterterrorism processes as they intended in the bargains. Even arrests: a state in whose territory suspected terrorists are hiding conducts arrests. Compared to rebellions whose internal origins require addressing in-house causes; and the cooperation on which states dislike for fear of forfeiting control over their domestic politico-security domains, terrorism transcends traditional claims of state self-sufficiency. There are similarities in bargains, cooperation practices, and implications for states’ ultimate authority, with SALWs.

726 Country Report on Terrorism, 2010, p. 9. Burundian ministry of Public Security corroborates this information

727 Country Report on Terrorism 2010, pp. 8-14; Field findings, Bujumbura, Aug. 2012

728 *Interview*, MIN/PUB SEC/B/01. Following the July 2010 Kampala attack, some suspects were arrested from Tanzania.

729 EAC, 2013. *28th Meeting of the Council of Ministers: Report of the Meeting* (AC/CM/28/2013 & EAC/SC/21/2013/Decision 2). Arusha: EAC, p. 26.

730 Global Terrorism Reports of 2010 and 2011 corroborate this data.

B) CONTROLLING ILLICIT SALWS' PROLIFERATION

Like terrorism, SALWs proliferation is interpreted as an external and crosscutting issue. Recall the distinction between coordination-problem and critical-sovereignty security issues basing on: states' interpretation of SALWs as domestic or external issues; regional agencies for controlling SALWs proliferation; and states' projection of the belief that sovereign entities should independently control SALWs proliferation. SALWs evoked low-level SCs when judged on these parameters: the issue was interpreted as external; states realised they could coordinate between national agencies; and could not address the issue independently.

SALWs Proliferation Evoked Low-Level SCs

While in its first meeting, 8-13 January 2001, the EAC's ministerial Council did not address itself to security issues as it was then concerned with institution-building⁷³¹, future meetings discussed the proliferation of SALWs as an "external" security issue. An East African solution would be contingent upon "the development of a regional SALW policy, reflective of Partner States' regional and global commitments to various existing international obligations."⁷³² Thus, East African cooperation would reflect global commitment to control SALWs proliferation. Ministers observed that "easy availability and circulation of SALWs *from neighbouring countries* fuels ethnic feuds, supports cattle rustling, and urban crime."⁷³³ Théoneste Mutsindashyaka, Secretary-General, Regional Centre for Control of SALWs, believes SALWs are "illegally trafficked across borders", into the region where they are used "to commit violent transnational organized crimes." He sums up their foreign origins thus:

Africa is greatly affected by the problem of [SALWs]... The proliferation of illicit [SALWs] in the Horn of Africa and the Great Lakes Region is worrying. The uncontrolled availability of these weapons is a source of conflict and criminality. Between 300,000 and 500,000 people are killed each year worldwide [using SALWs]. Many of these deaths occur in Africa. Countries in the RECSA region are greatly affected by the problem... The recent political unrest in the Sahel and Maghreb regions of North and West Africa presents a challenge as a new source of arms flows to the [Region]... now

731 EAC, 2001. *First Meeting of the Council of Ministers: Report of Council* (EAC/CM/01/2001). Arusha: EAC

732 EAC/CM 14/2007, p. 102

733 Ibid, p. 4

faced with a wider and more dangerous problem than before. These arms are illegally trafficked across... borders, landing unlawfully in the hands of unscrupulous individuals and groups who use them to commit violent crimes.⁷³⁴

From this interpretation, SALWs are external to East Africa but worsen intra-regional insecurity. States were “gravely concerned with the proliferation of illicit” SALWs with “devastating consequences” on regional security: “armed crime, degrading the environment, fuelling illegal exploitation of natural resources, *abetting terrorism* and other serious crimes.”⁷³⁵ States needed “effective control of arms transfers by *suppliers and brokers outside the region*”. Managing issues of manufacture, accumulation, trafficking, illicit possession and use of SALWs, ammunition and other materials, required interstate coordination.⁷³⁶

Coordinated responses sidestep the option of developing regional agencies for controlling SALWs proliferation. The awareness that national—not regional—agencies would facilitate cooperation, following expert/technical and policy analyses that unfolded over a long period of repeated meetings, assuaged fears of eroding states’ meta-political authority in an attempt to manage SALWs. States passed a Nairobi Declaration against SALWs⁷³⁷ and developed a “Coordinating Agenda for Action”⁷³⁸ as initial steps toward bargains on cooperation instruments.

Under the Declaration and Coordinating Agenda, states agreed to coordinate with one another. An EAC council meeting resounded this urge in 2004.⁷³⁹ States would fulfil these obligations while exercising their sovereign rights “in a manner consistent with the principles of sovereign equality, territorial integrity of states, and non-intervention in the domestic affairs of State Parties.”⁷⁴⁰ They started by adopting “a long term coordinated and

734 Théoneste Mutsindashyaka, 2013 (3 June). *Statement during the Ceremony to Mark the Opening for Signature of the Arms Trade Treaty*, New York, p. 2; & Statement by the Executive Secretary on Westgate Mall Terrorist Attack. Nairobi: RECSA, p. 1.

735 Preamble - “Nairobi Protocol”.

736 Nairobi Protocol, Preamble

737 RECSA, 2000. *The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*. Nairobi: RECSA

738 RECSA, 2000. *Co-ordinated Agenda for Action on the problem of the proliferation of small arms and light weapons in the Great Lakes Region and the Horn of Africa* - SAEM/GLR.HOA/1. Nairobi: RECSA (herein “Co-ordinated Agenda for Action”)

739 EAC/CM7/07/2004, p. 135

740 Coordinated Agenda for Action

concerted effort”, agreed to “establish National Focal Points to deal with the problem of small arms and light weapons” and to implement the Co-ordinated Agenda “at *the national level*.” While the Nairobi Secretariat was mandated “to co-ordinate the regional Agenda for Action”, anti-SALWs measures were to be *coordinated*, not regionalised.⁷⁴¹ With NFPs at the forefront, potential regional structures that would superintend national agencies were eschewed consistent with states’ interest in preserving their meta-political authority.

On the belief that sovereign entities could independently address SALWs, states recognised that “the inadequate capacity of states in the region to effectively control and monitor their borders, poor and sometimes open immigration and customs controls, [and] movement of armed refugees across borders in certain countries have greatly contributed to the proliferation” of SALWs. States admit that external security challenges require joint responses: “a number of security issues still obtain for which an appropriate response must be developed”, like developing a peace and security protocol “to provide a legal domicile to all peace and security interventions.”⁷⁴² Similarly, “becoming parties to international instruments relating to the prevention, combating, and eradication of illicit manufacturing of, excessive and destabilizing accumulation of, trafficking in, illicit possession and use” of SALWs, was a necessary measure. States hoped to control SALWs proliferation by implementing “such instruments within their jurisdiction”, not through an intergovernmental SALWs control agency.⁷⁴³ Cooperation would entail simultaneous national interventions. Thus, SALWs evoked low-level SCs for they are judged to be external in origin, states cannot autonomously control a problem outside their jurisdiction, and respect for states’ meta-political authority is possible when states implement the protocol “within their jurisdiction.”

Again, compare with rebellions: while states can cooperate to block SALWs’ proliferation routes, they may not cooperatively block political violence that typifies rebellion without taking sides in a domestic politico-security

741 Co-ordinated Agenda for Action, p. 1 (Institutional Framework)

742 EAC, 2011. *Report on the 13th Summit of Heads of States* (EAC/SHS 13/2011) - Appendix IX: Report of Council of Ministers on Regional Defence, Peace and Security. Arusha: EAC, pp. 2-15 of appendix IX.

743 Nairobi Protocol, Preamble.

conflict. While SALWs are seen as external problems to be solved collectively, “internal” security issues “of a political nature”⁷⁴⁴ are taken to be domestic politics: the EAC cannot regulate internal politics, whose face depends on the state’s domestic social configurations, without eroding that states’ meta-political authority.⁷⁴⁵ Thus, where African states blamed foreign manufactures, transnational illicit arms dealers, and the absence of an international regime to control the manufacture, sale and transfer of SALWs⁷⁴⁶, they blame themselves for rebel conflicts which they seek to address on their own. Unlike rebellions which would be blamed on origin states, very few African states produce SALWs. Most SALWs circulating in the region are imported from USA, Russia, China, and Ukraine.⁷⁴⁷ Hence, though SALWs erode the state’s monopoly of violence they are a global security issue that fuels conflicts in all parts of the world—not just Eastern Africa. Trafficked “from neighbouring countries” and beyond, SALWs create an armed and insecure geopolitical space in the region.⁷⁴⁸

Coordination of national control measures against illicit SALWs proliferation, like counterterrorism, resulted from normal bargains in and outside Africa. However, SALWs have a broader, Africa-originated, international context of bargaining than terrorism. It required multi-level, multi-actor and multi-national bargains. Three indications of normal bargaining in this effort are: formal negotiations that resulted in SALWs inclusion in the EAC security strategy, later the protocol; the bargains that informed African origins of the international regime on SALWs; and the salience of NFPs—not regional focal point—on SALWs. I analysed protocol negotiations under terrorism. I showed the [perceived] “external” origins of SALWs. Here, I address African origins of the international regime on SALWs; and the centrality of states’ NFPs. Thereafter, I analyse the East African experience.

The historical material that follows is intended to indicate that the proliferation of SALWs in Africa had rendered African states’ internal control difficult. It eroded their internal sovereignty. States’ desire to monopolise violence

744 EAC/SHS 13/2011

745 Confidential, Entebbe

746 *Interviews*, East Africa, August-December 2012

747 Ogango, *Interview*, 27 Sept. 2012

748 Mutsindashyaka; Several Council meetings

within their territorial domains created incentives for seeking worldwide control measures against proliferation of SALWs. The same bargaining, though broader than the East African region, informed the EAC's anti-SALWs efforts. African states could not address the complex global politico-economic problem of SALWs. They sought international support for clear reasons: (i) Most African states do not produce SALWs. So, they cannot regulate arms supply to Africa. (ii) A global economy revolving around small arms had turned Africa into a huge market for SALWs in exchange for "blood diamonds" and other mineral resources through warlord economies.⁷⁴⁹ (iii) Weaker African states would monopolise violence only when the inflow of illicit SALWs was contained.⁷⁵⁰ While states need to, and do address armed conflicts, they cannot claim unilateral duty to address SALWs.

Bargains on SALWs: African Origins of the Global Regime on SALWs

African states initiated bargains on SALWs with the broader international community via the UN in October 1993, when Mali's President Alpha Oumar Konare wrote to the UN Secretary-General, Boutros Boutros-Ghali, requesting support to collect SALWs then circulating after Mali's northern civil war. This initiated a bargaining process that was to involve expert analyses, consultative meetings, and multi-level international decisions consistent with my bargaining thesis. Boutros-Ghali informed a UN Advisory Board (disarmament matters) of Konare's letter in a meeting of January 1994. He suggested making a regional register for small arms, and sending a fact-finding mission to Mali. In June 1994, the issue was also discussed in the Advisory Board meeting and later during the sessions of the group of experts on the UN Arms Register.⁷⁵¹ An advisory mission, headed by former OAU Secretary-General, William Aurelian Eteki-Mboumoua, and deputised by a retired Dutch military official, Brig.-Gen. Henny J. van der Graaf, was assigned to Mali. Its task was to investigate the nature and extent of Mali's SALWS concerns and report to the UN. Another mission "was sent to six neighbouring nations

749 E.g. Philip Bilton, 2001. 'Angola's Political Economy of War: The Role of Oil and Diamonds, 1975-2000.' *African Affairs*, 100 (389):55-80

750 Parker and Green, *A Decade of Implementing the United Nations Programme of Action on Small Arms and Light Weapons*.

751 Mitsuro Donowaki, 2004. 'Small Arms, Africa and the United Nations (Ten Years of Interaction between Africa and the UN).' Presentation to "The PoA National Reporting Workshop", 20-21 May, Nairobi.

of Mali in February/March 1995". Van der Graaf was also a member of the UN Advisory Board: he briefed the Board about findings from Mali in June 1995.⁷⁵² These technical interventions would inform subsequent interstate engagements within the UN and bring other state actors on board to address the issue of SALWs.

In 1995, Japan called for a UN team of high-level experts on SALWs. The UN Advisory Board later supported the idea following the notable findings of the UN mission from Mali's six neighbours. In December 1995, a UN resolution was adopted and a Panel of the Wise on SALWs established in 1996. The UN Security Council Resolution A/RES/51/242 of 1997 reflected these developments. The Panel of Experts, which had visited Mali and its neighbours, sat in Pretoria, South Africa, in September 1996.⁷⁵³ Its July 1997 report on Mali and neighbouring states was the first of its kind on SALWs.⁷⁵⁴ Several workshops followed this meeting.⁷⁵⁵ The OAU/AU made a declaration on SALWs in 2000, following the March 1997 ministerial consultation on a proposed "Moratorium on Export, Import and Manufacturing of Light Weapons in West Africa", held in Bamako.⁷⁵⁶

From the foregoing, Mali initiated the global regime on SALWs. Its support from the rest of Africa and Japan was augmented by the findings of UN experts in West Africa. Many African states faced the same problem. Unsurprisingly, the OAU was the first IO to pass a declaration on SALWs. For Donowaki, "The combat against illicit trafficking in [SALWs] was started... at the initiative of African States... Looking back, there is no doubt that the interaction between Africa and the United Nations served as the driving force of the whole process."⁷⁵⁷

In October 1998, West African states declared a moratorium on the import, export and manufacture of SALWs in West Africa; adopted a "Code of Conduct on Small Arms"; and initiated a UNDP-administered "Program for

⁷⁵² *ibid*

⁷⁵³ Donowaki, pp. 2-5; UNSC, 1997. Resolution A/RES/51/242 (107th Plenary Meeting, 15 Sept. 1997) – annexes.

⁷⁵⁴ Donowaki, p. 2; M.

⁷⁵⁵ Donowaki, 1997. 'Developing Arms Transparency: The Future of the United Nations Register', in Malcolm Chalmers, M. Donowaki & Owen Greene, *Bradford Arms Register Studies No. 7*. Bradford: University of Bradford, pp. 207-211

⁷⁵⁶ Donowaki, 'Small Arms, Africa and the United Nations', p. 4.

⁷⁵⁷ *Ibid*, p. 10

Coordination and Assistance for Security and Development in Africa”. The SADC and EU followed suit in November 1998. In Eastern Africa, the Nairobi Declaration on SALWs—which followed a bargaining process known in official lingo as “The Nairobi Process”—was adopted in March 2000. Thus, by the dawn of the 21st century, international responses to SALWs proliferation had become institutionalised at different levels. African states pressed non-African states for the July 2001 UN Conference on Small Arms. This led to the UN Program of Action on Small Arms (UNPOA) with a preparatory committee chaired by Mozambique’s Carlos dos Santos. Dos Santos made laudable contribution to the African regime on SALWs. National coordination agencies, otherwise called “National Focal Points” on SALWs, are his brainchild. This gave rise to African measures under the Bamako Declaration, which enjoins African states to establish regional and national focal points to coordinate efforts against SALWs.⁷⁵⁸ Under the UNPOA, the UN requested wealthy states to facilitate anti-SALWs programs in the developing world. Austria, the UK, USA, and Germany have since supported these measures.⁷⁵⁹

This analysis indicates the centrality of multilevel bargaining to control SALWs in the African security landscape, the African origins of UNPOA, and the intricate linkages between African states’ internal sovereignty and SALWs. These findings resonate with arguments about the political origins of IOs’ decision-making powers.⁷⁶⁰ They also reveal when states seek others’ involvement in addressing which issues, and which issues states address on their own. Note that Mali first fought its armed rebellion before seeking international assistance on SALWs. Contemplating a similar regime on rebellions would have opposite implications for reasons already specified. Mali was less to blame for SALWs proliferation for it does not manufacture them. But it would be blamed for failing to police internal rebellion if it sought support on the issue. SALWs are global; rebellions are

758 AU, 2000. *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons*. Bamako and Addis Ababa: AU (hereinafter, “Bamako Declaration”);

759 Ahmed Wafula, and Nickson Olwa, *Interviews*, Kampala, 11 October 2012

760 Erik Voeten, 2005. ‘The Political Origins of the Legitimacy of the United Nations Security Council.’ *International Organization*, 59 (3):527-557

state-specific in origin. Hence in Eastern Africa, SALWs are seen as external issues on which NFPs plan and coordinate—not *combine*—states’ anti-SALWs proliferation activities.

The Eastern Africa Regime on SALWs

East African states knew that arms collection methods like giving amnesty to SALWs holders, forceful mop-outs, incentives to arms holders, general security searches, and sensitisation to inspire voluntary arms surrender⁷⁶¹ enhance states’ control functions. They bargained with an eye to the future, aware that cooperation would enhance their meta-political authority through capacity building for NFPs and their officials, improved control, and legitimacy. This explains why they strove to retain control over the process. Concurrent with bargains at UN and AU levels, EAC states conducted baseline surveys and mapping exercises to determine the extent of the SALWs problem in 1999. These efforts were linked with the EAC’s decision-making and implementation channels.⁷⁶² EAC measures are based on Article 23 of the Treaty, security protocol, and the “Nairobi Protocol.”

The Nairobi protocol regionalises the Bamako Declaration.⁷⁶³ The protocol binds EAC partner-state signatories in line with Article 130(4) of the EAC Treaty and their international obligations.⁷⁶⁴ It defines “small arms” as weapons designed for personal use, like machine guns, and sub-machine guns.⁷⁶⁵ “Light weapons” include “portable weapons designed for use by several persons serving as a crew.”⁷⁶⁶ They include antique firearms (made before 1899), weapons and destructive devices, explosive bombs, incendiary or gas bombs, grenades, rocket launchers, missiles, missile systems or mines.⁷⁶⁷ While this covers arms that fuel Africa’s insecurity, cooperation requires extra-Africa efforts since most SALWs originate outside Africa. Negotiations on the protocol

761 Field *Interviews*: Uwineza, Ogango, Heidtman, Olwa, and Wafuba, Arusha and Kampala, August – October 2012

762 *Interviews*: Bujumbura and Kampala, August and December 2012; Reports of Council Meetings, 2004-2010

763 RECSA, Nairobi Protocol. Five signatories to the protocol are not in the EAC: Djibouti, DRC, Eritrea, Sudan, Ethiopia, and Seychelles.

764 EAC/CM 14/2007, p. 102

765 These include machine pistols, fully automatic rifles, assault rifles, semi-automatic rifles

766 Including “heavy machine guns, automatic cannons, howitzers, mortars of less than 100mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-aircraft weapons and launchers, and air defence weapons.”

767 Nairobi Protocol, Article 1

covered legislative and policy measures prohibiting illicit trafficking, manufacture, use, possession, and misuse of SALWs; falsity, obliteration, removal, and alterations of the markings on SALWs; and tackling violations of UN-imposed arms embargos. These issues are reflected in the Nairobi Protocol.

States discussed the incorporation of control measures in national laws; the development of national states' operational capacity; strengthening sub-regional coordination among states' security agencies; controlling civilian possession of SALWs; control and liability for state-owned SALWs via marking, tracing, record keeping; disposal and destruction of surplus, obsolete, redundant, confiscated and unlicensed SALWs.⁷⁶⁸ States agreed to regulate the import, export, transfer, and transit of SALWs; establish national and regional systems for regulating arms dealers and brokers; and encourage voluntary surrender of SALWs. They would promote public awareness; accept mutual legal assistance in investigation, execution of searches, information sharing, site inspections, judicial document requests and serving; tracing of suspects; and application of investigative techniques like forensics, ballistics, and finger printing. States held that information exchange, transparency, and settlement of any interstate disputes that might crop up, would lead to effective interventions.⁷⁶⁹ When EAC partner states were negotiating the peace and security protocol they incorporated these issues. This adapted the Nairobi protocol to the EAC protocol because of regionality and similarities in issues being addressed.

Signatory states established a secretariat in Nairobi, the Regional Centre on SALWs in Eastern Africa (RECSA), mandated to develop and issue guidelines for implementation, monitoring, execution, and evaluation of the protocol. The RECSA liaises with state agencies to ensure adherence to specified standards. It addresses technical difficulties experienced while implementing the protocol, and reports progress to national ministries.⁷⁷⁰ The RECSA's coordinating role does not superintend national agencies since it reports to states. The Nairobi

⁷⁶⁸ Articles 3 – 9
⁷⁶⁹ Articles 10-19
⁷⁷⁰ Article 18

Process indicates bargaining and cooperation involving and transcending the EAC. EAC “high officials” interact with Nairobi Process officials, creating extra-EAC bargains wherein leadership, negotiation, diplomatic skills are useful in influencing states’ cooperation decisions⁷⁷¹ without altering their meta-political authority interests. Other Nairobi-Protocol signatories in this geopolitically contiguous region share the EAC’s bargaining, resource, and operational challenges and opportunities, and spill over effects of the EAC’s anti-SALW efforts.

Further, the bargains were intended to enhance African states’ control functions. I infer that African states knew that by controlling SALWs they would enhance their monopoly of violence, augment their control and legitimate their anti-SALWs activities. Indeed, while the UN responded positively to Mali, African states quickly developed joint efforts that place state agencies at the centre of anti-SALWs measures. Thus, they balanced the need to cooperate and the desire to retain/enhance their meta-political authority. To elucidate this viewpoint, I examine the centrality of states’ authority structures in the EAC’s anti-SALWs measures.

The Centrality of NFPs on SALWs

States agreed to put NFPs at the forefront of regional anti-SALWs measures. They adopted this decision under the Nairobi Declaration and the Coordinating Agenda. Potential regional structures that would superintend national agencies were eschewed consistent with states’ interest in preserving their meta-political authority. Cooperation would enhance “the capacity of national law enforcement and security agencies” via training, upgrading of equipment and acquisition of resources, management of national databases and communication systems, monitoring and controlling cross-border SALWs movements. The NFPs would “facilitate information exchange, combat cross-border SALWs proliferation, manage SALWs-related issues *in each country*, and *coordinate* with other NFPs in the region.”⁷⁷² States would monitor, regulate, and license manufacturers, dealers,

⁷⁷¹ Moravcsik

⁷⁷² Nairobi Protocol, Art. 16

traders, financiers and transporters of SALWs “operating *within their territory*.”⁷⁷³ Therefore, the Nairobi Protocol provides a legal framework for agreed-upon cooperation practices intended to enhance states’ capabilities.

Compared to rebellions whereby “leaders may be seen as not controlling their domestic affairs effectively” when seeking cooperation, NFPs “control the circulation and proliferation of SALWs *at national level*” for states “are sure that if there are no longer people with illegal arms in the country then there are no or less arms in other countries.”⁷⁷⁴ Coordinated responses result in shared benefits while retaining states’ control over the process. Hence, limitations of the RECSA to technical assistance, and making it report progress to states’ policy leaders, may have been intended to curtail its autonomy: to ensure that the RECSA does not superintend NFPs. Today, the EAC’s anti-SALWs program revolves around NFPs. As national agencies, NFPs ensure that states retain control over the agenda’s implementation. The secretariat mobilises resources which it channels to NFPs.⁷⁷⁵

The GIZ supports the EAC’s SALWs program in several ways that enhance state capabilities, akin to Litfin’s observation that states’ “functional sovereignty is enhanced because states acquire greater problem-solving capabilities.”⁷⁷⁶ First, it supplied equipment; provided arms-marking machines and technical skills, and facilitated awareness campaigns; funded stockpile management, registration of state-owned SALWs, funded records management support/training; and funded the construction of armouries and training of armourers.⁷⁷⁷ Second, it funded the development of legal frameworks; disarmament exercises; and provision of alternative livelihoods for SALWs-dependent cattle rustling communities. Finally, the GIZ has sponsored “concept development and implementation of measures on the level of partner States.”⁷⁷⁸

⁷⁷³ Ibid, Art. 11

⁷⁷⁴ Niyongabire

⁷⁷⁵ GIZ, *EAC-GIZ Program ‘Promotion of Peace and Security’*; GIZ, *EAC-GIZ Peace and Security Program*

⁷⁷⁶ Litfin, p. 174

⁷⁷⁷ Personal Interviews, 2012: Peace Uwineza, 21 Sept.; Martin Ogango, 27 Sept.; Miriam Heidtman, 27 Sept; Ahmed Wafuba, 11 Oct.; Kaguta– Arusha

⁷⁷⁸ GIZ, *EAC-GIZ Peace and Security Program*, p. 1.

Challenges hindering Rapid Progress

To underscore the salience of SCs in the extant cooperation, I exemplify that progress in disarmament along the Uganda-Kenya border reflects SCs. This area is particularly important because “The Kenya–Uganda border is one of East Africa’s most severely affected areas in terms of firearm-related insecurity” with estimates that by 2005 at least every family had a gun, to the tune of an estimated 40,000 guns in Uganda and 50,000 guns in Kenya.⁷⁷⁹ Though this has significantly changed with improvements in disarmament in Uganda⁷⁸⁰, progress was slowed down due to the sovereignty implications of transnational arms trafficking and cattle rustling.

I must stress earlier that the problem of armed cattle rustling in Uganda’s Karamoja region has challenged the state since colonialism. Colonialists introduced these guns during their pacification programs. Then the guns found their way in the hands of pastoral communities. The new guns were supplemented with more supplies from the Italo-Abyssinian war of the 1930s, the Cold War competitions in the Horn of Africa, the collapse of Idi Amin’s regime in Uganda, civil wars in northern Uganda, southern Sudan and Ethiopia, and the Somali crisis. All successive governments, since British colonial rule, have sought to control Karamoja region in vain:⁷⁸¹ the gun in Karamoja quickly became a key instrument of cattle rustling, self-defence against neighbouring and cross-border rustling communities, and brought the countries of Sudan, Ethiopia, Kenya and Uganda into a complex geosocial space of arms proliferation and armed cattle rustling. This continuity of disarmament policy across time and regimes indicates that control over Karamoja remains a *state issue*, not a regime (ruling elites’) issue.

States have faced challenges ranging from providing alternative livelihoods to disarmed communities, security communities from other armed communities within and across the states’ territorial borders, non-cooperation from local leaders and peoples who benefit from cattle rustling, human rights concerns, transnational collusions

779 Kennedy Agade Mkutu, 2006. ‘Small Arms and Light Weapons among Pastoral Groups in the Kenya–Uganda Border Area.’ *African Affairs*, 106 (422):47–70 (p. 47-8)

780 Olwa; Wafula, Interviews

781 Mkutu

among rustling communities, and the difficulty of harmonising national calendars during disarmament. Attempts over the years have remained futile, some becoming counter-productive at least in the short run: “The creation of paramilitary institutions in rural Kenya and Uganda [is] an example of how legal arms are entering communities and intensifying the conflicts further.”⁷⁸² Key informants revealed that Kenya and Uganda have failed to carry out joint, effective, disarmament exercises along their common borders because of different political calendars. When either country is holding elections, politicians “go slowly on their voters” in those regions. Elections in these countries take place at different times: each country’s election season occurs in the middle of another’s term of office.⁷⁸³ Unwilling to “pain to their voters” during election seasons through measures like forced disarmament and general searches, politicians wait until elections end. Electoral politics keeps the problem of SALWs proliferation along common borders unresolved. This worsens when armed groups are able to cross borders into a neighbouring country which may be holding elections and is therefore going slowly on its own problem. None of these countries allows a neighbour to pursue arms-holding groups into its territory.

Distaste for the entry of foreign security forces in a state’s territory is upheld in the EAC’s emphasis on territorial integrity. It is also rooted in the state’s self-conception as the only solver of the Hobbesian Problem within its territorial domain.⁷⁸⁴ Yet porous borders allow SALWs holders to criss-cross national boundaries. Some groups develop cooperative relations with similar groups across the border. Others are transnational ethnic groups which were arbitrarily divided by colonial boundary demarcations and have kin and kith across borders. When pursued from one state they cross and hide amongst their transnational ethnic kinspersons or allies, thereby eluding disarmament attempts by their country of citizenship. This signifies that emphasis on the territorial

782 Mkutu, p. 47

783 Both countries have 5-year constitutional terms of office after which another election is held. Kenya held presidential, parliamentary and governorate elections in March 2013, but Uganda will hold its own in February-March 2016. Personal Interviews, Kampala, 11 October 2012. Other challenges include limited implementation of agreed-upon programs due to resource limitations, limited skills and training, public fear to declare possession of SALWs, continuous infiltration of SALWs from troubled neighbours.

784 Gaubatz

sanctity of the state hampers the effectiveness of SALWs-related disarmament.⁷⁸⁵ Simultaneously it does indicate states' desire to respect and preserve their sovereign sanctity. States agree to cooperate only to a degree that does not erode their meta-political authority including interfering in their territorial control. The resulting transnationality of SALWs becomes a complex, enduring problem. Thus, regional measures on SALWs remain problematic for domestic political considerations are tied to sovereignty concerns, namely the inviolability of neighbours' territorial integrity. This becomes more problematic when disarmament transforms into a national political and legal-constitutional matter. This is not easy to harmonise across the region.

I have revealed the challenge of disarming cross-border cattle rustling among pastoral communities along the Uganda-Kenya border owing to different electoral calendars. On the face of it, this might appear to reflect elite interests, to expose leaders' desire not to lose votes from cattle rustling communities. But when deeply analysed it is a sovereignty issue: its solution evokes states' domestic governance jurisdiction. A state's electoral calendar is a constitutional matter. Harmonising election calendars requires constitutional amendments in affected countries. This is a sovereignty issue that is not included in the cooperation instruments. Its adjustment is not easy at regional level and might require stringent bargains between and within states. States must agree to amend their national constitutions and electoral calendars, and to coordinate their disarmament efforts. Without harmonised calendars and coordinated efforts, states hardly make headway in the anti-SALWs program. In other instances specific to each country, SALWs are used to prevent cattle rustling from across the border or from neighbouring states' communities in which pastoralism is a source of livelihood.⁷⁸⁶

When disarmed members of pastoral communities need alternative livelihoods and defence/safety/protection against neighbouring communities from across the border, the internal security issue acquires international

⁷⁸⁵ Personal Interviews, NFP/SALWs, Kampala, 11 October 2012

⁷⁸⁶ Such as the Karamajong of Uganda; Turkana of Kenya; Dinka of Sudan, Oromo of Ethiopia; and pirates and armed gangs in Somalia. Ogango; Wafula, Interviews

dimensions. Resources and means of changing livelihood are not easy to realise. Change of livelihood is a lengthy process. This creates new demands upon states hitherto not envisaged. Importantly, the perceived insecurity among disarmed pastoral communities touches the operational aspect of state sovereignty: it raises the problem of states' *effective* monopoly of violence and internal policing, as states are expected, in theory, to monopolise violence or regulate the use of arms.

Sometimes disarmament involves to excessive state responses. For instance, on 30th March 2010, Uganda and Kenya "carried out joint disarmament of the pastoral communities of north-eastern Uganda and northern-western Kenya". This was "a way of reducing cross border conflicts resulting from cattle rustling and loss of lives." But the exercise resulted in "some civilians losing life and sustaining injuries." This prompted a debate in the EALA over these concerns.⁷⁸⁷ The EALA questioned states' disarmament practices that violated human rights. The states remained adamant, claiming that disarmament is their sovereignty right. Balancing regional demands for a human-rights-sensitive disarmament approach is a challenge of balancing methods of cooperation against its benefits. While states face institutional and operational weaknesses in their security agencies, such as some security officers hiring their guns to rustlers, criminals, and poachers, or even selling them⁷⁸⁸, the problem of sovereign responsibility remains a significant limitation to effective SALWs-control in the region.

The final challenge is the international political economy of SALWs. Small arms and weapons are part of the broader international problem of arms trade. There is no global legal regime regulating the manufacture, sale, and transportation of small arms. A member of EALA's Committee on Regional Affairs and Conflict Resolution is even sceptical: "there can never be effective management of SALWs in this region unless their manufacture and trade is internationally regulated and effectively controlled."⁷⁸⁹ According to a GIZ peace and security expert,

787 EALA, 2011. Order Paper, Fifth Meeting - Fourth Session - Second Assembly, 18 May 2011. Arusha: EALA, p. 2

788 A Uganda soldier under AMISOM was reportedly apprehended for selling arms to al-Shabaab, a group against which AMISOM operates in Somalia. PNT, 2008. 'Somalia: UPDF sells guns to its enemies: Inside story of how UPDF sold arms to Somali warlords.' *The Gazette Edition* online (http://www.garoweonline.com/artman2/publish/Somalia_27/Ugan_gazette.shtml, 11 March 2013),

789 Hon. Sarah Taraso Bonaya, *Personal Interview*, Nairobi, 7 September 2012

Martin Ogango, there are regulations for almost all forms of international trade but trade in SALWs.⁷⁹⁰ African states have been advocating a binding instrument regulating the manufacture and sale of SALWs, considering the origins of the UNPOA and the ongoing arms trade negotiations.⁷⁹¹

During the July 2011 UN Arms Trade Treaty (UNATT) negotiations, U.S., Egyptian, and South African opposition prevented consensus on SALWs. For “four solid weeks of negotiations”, Ogango revealed, states failed to come to a minimum agreement on including SALWs in the UNATT partly because of US and other states’ resistance and other contentious issues. The US argued that the scope of the treaty be limited to conventional weapons. She also argued that *the Treaty should even exclude ammunitions*. Other contentious issues were decision-making (consensus vs. majority decision), scope, and sanctions for noncompliance.⁷⁹² Therefore, disagreement arose over the content of the agreement and its implementation. This echoes Fearon’s view that states are always concerned not just about the content but also the implementation of agreements. Other bargaining theorists share this view⁷⁹³, underlining the dual element of interstate bargaining: what to cooperate on and how.

When the agreement remained elusive at the UN, African negotiators became disillusioned. Because conflicts in Africa involve the use of small arms, the exclusion of SALWs—and ammunition that is the technical-blood of these arms—from the UNATT would be next to nothing for most African negotiators. From these negotiations, informants revealed, the problem of SALWs is an internationally complicated issue. Unsurprisingly, the NFPs’ attempts to control SALWs at the end-user point only, without regulating the supply side and mechanisms of transfer, remain inadequate. Arms management and security, record keeping, arms tracing and stockpiling, international transfers, brokering, identification of surplus stocks, public sensitisation, criminalisation of “illicit

790 Ogango, Interview, Arusha, 27 Sept. 2012

791 Donowaki, ‘Small Arms, Africa and the United Nations’

792 Ogango; Olwa; and Wafula

793 Fearon, ‘Bargaining, Enforcement and International Cooperation’; David H. Bearce, Katherine M. Floros and Heather Elko McKibben, 2009. ‘The Shadow of the Future and International Bargaining: The Occurrence of Bargaining in a Three-Phase Cooperation Framework.’ *The Journal of Politics*, 71 (2):719-732

possession, stockpiling and trade” of SALWs remain ineffective because of continuous and unchecked arms inflows in the developing world. Indeed, “40% of states that have submitted national reports [on the above measures] report that they do not manufacture SALW.”⁷⁹⁴ As the EAC team of experts observed in 2010, “there is rise in small arms-related crimes in the region associated with the porous borders with neighbouring countries with serious security challenges, such as Somalia, DRC, and South Sudan.”⁷⁹⁵ This rise may have ignited regional responses but effectiveness is function of both SCs and broader international politics. SCs inhere in difficulties related to cross-border disarmament; international politics inform the global political economy that engenders the difficulties of regulating international arms trade at the UN level.

Key informants privy to the UNATT negotiations believe that U.S. arms manufacturers and dealers strongly lobbied the U.S. government. US negotiators, however, did not officially admit the influence of arms lobbies. Their official claim was that the USA has too many SALWs and arms manufactures in private hands to control for they operate in a liberalised market environment. This, in the opinion of the informants, was only a show of diplomatic courtesy. The EU supported the EAC’s call for the inclusion of SALWs and ammunitions. It called for emphasis on humanitarian and development assistance, and on human rights. In Africa, Egypt and South Africa distanced themselves: they too manufacture SALWs. Informants believe without international measures for regulating the supply side, effective control at the demand side cannot achieve much.⁷⁹⁶ They reason that official arms within the region are sufficient to address the crisis of SALWs controlled by terrorists, transnational organised criminals, cattle rustlers, human and drug traffickers, high sea pirates, warlords and rebel groups. At the same time these engagements reveal the salience of normal bargains that transcend East Africa, indicating the possible applicability of my bargaining framework beyond the EAC.

794 Sarah Parker and Katherine Green, 2012. *A Decade of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of National Reports*. Geneva: UN Institute for Disarmament Research (UNIDIR), pp. XXI-XXVI

795 EAC, 2010. *The East African Political Federation: Addressing East Africans’ Fears, Concerns, and Challenges and Consolidating its Pillars – A Report by the Team of Experts*. Arusha: EAC, p. 27

796 Ogango; Olwa; and Wafuba - Interviews

The aforementioned EAC-based interventions enable states “to develop practical mechanisms for cooperating in controlling SALWS.”⁷⁹⁷ They strengthen states’ security agencies, the NFPs, and help other Nairobi Process signatories. Their intent and operational dynamics are, surely, focused on strengthening state agencies, not serving the personal or group interests of elites that lead the states which constitute the RECSA. This contradicts analyses that might focus on state elites’ interests in understanding security cooperation in the EAC. Programs undertaken by EAC partner states reduce the proliferation/trafficking of SALWs from EAC states to neighbouring states and reverse proliferation thereto. Neighbouring states’ efforts also supplement and benefit EAC partner states’. The external support acquired under the auspices of the EAC, such as GIZ support, has spill-over effects to non-EAC members of the Nairobi Process. It also increases the NFPs’ effectiveness and states’ over-all meta-political authority whose preservation states bargained for. This is why it is important to keep in mind the intent of designing cooperation frameworks the way states do: cooperate in such a way that states’ meta-political authority embodied in national security agencies is enhanced, not eroded.

Précis of Findings

The findings demonstrate that where security issues evoke low-level SCs, states engage in normal bargains that result in security cooperation. State sovereignty is not inimical to cooperation: through sovereignty bargains states can balance the demand for cooperation and the desire to preserve their meta-political authority. Terrorism and SALWs proliferation were judged as external, and not linked to particular states. States could not autonomously address them. Instead, states are aware that cooperation is possible concurrent with states autonomy, control, and legitimacy. These considerations created incentives for states to engage in normal bargains that resulted in negotiated consensus on how to cooperate on these issues.

⁷⁹⁷ GTZ, 2008. *Mid-Term Review: Curbing SALWs Proliferation in the East African Community Region* (Project No. 2003.2254.5-001.00). Arusha: GTZ, p.11.

At different levels of the agenda-setting process states sought consensus. Where SCs arose states bargained them away to reach consensus. States adopted cooperation practices that augment their authority structures thereby enhancing their meta-political authority. They included sovereignty-sensitive principles in protocols to preclude cooperation-related negation of their sovereign authority. Hence, states likely work together where cooperation on given issues potentially enhances their sovereign authority; they eschew cooperation otherwise.

From the foregoing, non-cooperation on transnational rebellions in the EAC remains to be explained because some coordination-problem security issues thrive on similar opportunities as do rebellions: illicit economies, transnational connections, conflict spirals, weak state controls, small arms proliferation. Anti-SALWs efforts may affect the ease with which rebel groups acquire weapons. But they do not address rebel-held SALWs. A bane to anti-SALWs efforts becomes a boon to rebel groups given rebels' dependence on SALWs. Yet coordination is possible on terrorism and SALWs but difficult on rebellions for they are "sensitive", "internal", and "political" in nature.⁷⁹⁸ The fear that cooperation on rebellions might erode states' sovereign-ness averts possible bargains that would result in cooperation. This refines Jervis and Lipson's simple dichotomy based on broad issue-areas: non-security issues=cooperation; security issues=non-cooperation.⁷⁹⁹ Since security issues differ, the bargains also differ, hence cooperation on some and non-cooperation other security issues in the same RO.

The strategies and practices used on SALWs and terrorism—formal, consensual negotiations, issue-bracketing, state capacity-building efforts—that allowed states to work around "external challenges" and to cooperate while respecting state' meta-political authority could not, so states hold, work for rebel conflicts. EAC policymakers believe these strategies cannot address transnational rebellions' causal and historical intricacies, that sovereign entities should control their internal politico-security domains, and that it is difficult to address rebel conflicts without being dragged into states' internal politico-security affairs. These misgivings preclude bargains on

⁷⁹⁸ EAC/SHS 13/2011, Annex IX, p. 15

⁷⁹⁹ Jervis, 'Security Regimes'; Lipson.

possible strategies for handling rebel insecurity. Again, these findings imply that for those interested in designing regional security regimes where none exist, initial cooperation on coordination-problem security issues would be a useful starting point as a confidence-building measure before ‘graduating’ to more contentious issues. While low-level Sovereignty Concerns produced *normal sovereignty bargains* that led to consensual cooperation on terrorism and SALWs in the EAC, the RO worked with other international organisations and states in ways that promote consensual outcomes from multi-level bargains. It is logical, therefore, to hypothesise that high-level Sovereignty Concerns would still beget *non-bargains* that stymie cooperation on critical-sovereignty issues whether demands for cooperation on such issues were made within or without the EAC. In other words, coordination-problem security issues allow the EAC to cooperate with non-EAC states and other organisations; it should be judicious to expect critical-sovereignty security issues to evoke concerns that beget non-cooperative outcomes when non-EAC states and organisations are equally involved. In Chapter 6, I demonstrate how non-bargains—*opposition* and purposeful *silence*—stymied cooperation on rebellions in the EAC.

CHAPTER SIX

NON-BARGAINS AND NON-COOPERATION ON ARMED REBELLIONS

Introductory Overview

This chapter accomplishes the final task in the study: demonstrating that non-bargains, rooted in high-level SCs, led to non-cooperation on transnational armed rebellions in the EAC. This necessitates evidence of silence about rebellions in the EAC's security agenda-setting processes; and opposition to calls for cooperation on the issue. My empirical onus is to show that: (i) rebellions evoked high-level SCs judging from the parameters for discerning the level of SCs a security issue evokes; (ii) some stakeholders pursued regional solutions to rebel conflicts in vain; and (iii) policymakers' silence about rebellions was consistent throughout the EAC's security agenda-setting processes and amid legislative demands to cooperate on them. Judicial opposition arising within a sovereignty-sensitive institutional-legal landscape thwarted stakeholders' judicial contest against the EAC's non-involvement in handling rebellion-related issues. Silence and opposition reinforced each other.

On (i), I recap the parameters for discerning that rebellions evoked high-level SCs, as stressed in Chapter 4. On (ii), I analyse judicial struggles to challenge the EAC's non-involvement in counterinsurgency measures in Kenya. From a critical reading of the case, the East African Court of Justice (EACJ)'s ruling constitutes judicial opposition to calls for the EAC's involvement on grounds of sovereignty when one compares Court's other rulings and considers its relationship with states. On (iii), I reveal Council's purposeful silence about, and trivialisation of, the EAC Legislative Assembly (EALA)'s resolutions to cooperate on the LRA rebellion in Northern Uganda. Together, the EACJ's opposing verdict and Council's silence stymied cooperation on rebellions.

Once the three-pronged empirical onus is met, I will have solved the puzzle of concurrent security cooperation and non-cooperation in the EAC stressed in Chapters 1-2; and demonstrated how different intensities of SCs

engender different sovereignty bargains that lead to different security cooperation outcomes, as theoretically specified in Chapters 3-4. Thus, having demonstrated that normal bargains led to cooperation on coordination-problem security issues in the EAC with evidence of cooperation practices on terrorism and SALWs (Chapter 5), one task remains: to demonstrate that non-bargains stymied cooperation on critical-sovereignty issues: rebellions. Recall that most rebellions in Africa are transnational and have security implications beyond their country of origin: training grounds and operational bases in neighbouring states, transformation to complex interstate and transnational security threats, fuelling SALWs proliferation, refugee problems. This is why it is curious that the EAC interprets transnational rebellions as “sensitive” and domestic, while terrorism and SALWs—which are also transnational—were accepted as such.

This chapter has three sections. First, I reiterate my argument that rebellions evoke high-level SCs. Second, I demonstrate that non-bargains stymied cooperation on rebellions. Finally, I summarise these findings.

Rebellions as Critical-Sovereignty Issues in the EAC

Rebellions evoke high-level SCs for they are interpreted as domestic in origin, aim at the heart of the state, and reflect “struggles to achieve and maintain power, to establish order, and to contrive a kind of justice within states”.⁸⁰⁰ They begin as armed struggles against a particular state’s government and most retain such claims even as they become transnational in scope and dimension. Moreover, cooperation on these armed conflicts has been historically problematic. EAC states insist that as sovereign entities they need autonomy “to achieve and maintain power, to establish order”, within their jurisdiction. They fear potential erosion of their meta-political authority to unacceptable levels: negating political independence that is upheld in UN and AU principles; establishing regional structures that may superintend states’ security agencies; violating affected states’ territorial integrity and legitimate monopoly of violence via potential deployment of foreign troops; and

800 Waltz, p. 103

dependence on the RO to maintain their own power. Accordingly, some degree of political violence in form of rebellions may be tolerable to preserve the state system's privileging of states' sovereign authority.⁸⁰¹

Table 5: Interview Extract - "In security affairs we cooperate as Sovereign States"

Researcher: Share with me about security cooperation in the EAC

Informant: Yeah, we have been working together to address many different issues to make the region peaceful for everyone one

Researcher: What cooperative measures are in place on armed rebellions – these armed struggles against constituted state authority?

Informant: How do you cooperate on armed insurgencies? Do you support them?

Researcher: You can de-legitimise them through, say, a regional declaration. You can develop regional arrangements for resolving their concerns. Or where necessary you can carry out joint operations against them

Informant: In security matters we cooperate as Sovereign States

Researcher: Does that mean that in social and economic matters, for instance, there are no sovereignty considerations?

Informant: Of course there are. But the way you look at sovereignty from a security point of view is different from the way you look at it from an economic point of view ... I hope you understand

Researcher: How about you cooperate on terrorism, small arms, transnational crime and others

Informant: Would the same measures we use on those issues have applied to rebel groups, you think?

.....

(Key Informant Interview, Kigali/Rwanda, 11 December 2012)

This interview extract (Table 5) reflects most interview responses received whenever I enquired into cooperation on rebellions. Interpreted as domestic in origin, states believe cooperative actions needed for rebellions differ from those needed for other security issues. States insist that as sovereign entities they should police internal rebellion independently. Compared to terrorism and SALWs (Chapter 5), these fears constitute "different types of reference points"—criteria for evaluating the given security issues—that apply to different "bargaining problems."

801 Bull, *The Anarchic Society*, pp 8-20; Acharya, *Whose Ideas Matter*, p. 145

Each reference point “produces different bargaining behaviours” for states and “in combination with the type of reference point.”⁸⁰² Therefore, *non-bargains* on rebellions indicate what I call “non-bargaining behaviour” on a critical-sovereignty security issue, while *normal bargains* constitute a different “bargaining behaviour” on coordination-problem security issues. Rebellions evoked high-level SCs when judged along: (i) domestic vs. foreign origins; (ii) regional agencies for resolving them; and (iii) states’ beliefs regarding independent vs. intergovernmental solutions to these problems.

Rebellions are “Sensitive”, and “Domestic”

On the security issue’s domestic vs. transnational origins, states believe rebellions are internal security issues even when these conflicts are transnational in nature and security implications. They are “sensitive internal issues of a political nature.”⁸⁰³ Other issues are considered criminal in nature, foreign in origin. Example: responding to the EALA’s demand for a regional solution to the LRA rebellion, Uganda’s foreign minister, James Wapakhabulo, argued that the conflict had not been raised to the EAC because it remained a Ugandan problem.⁸⁰⁴ Informants added that a rebellion is an internal security matter, and “must first be a concern of the [affected] state.”⁸⁰⁵ For Dr Rotich, a rebellion “remains a concern of the partner state” because “we do not move to police other countries” since “we are still sovereign states...”⁸⁰⁶ This interpretation implies that: (a) since rebellions are viewed as “sensitive internal issues”—closely related to state sovereignty—it is difficult to raise them in regional fora during negotiations, hence their exclusion from a common security agenda.⁸⁰⁷ (b) States oppose external actors’ involvement in, and disassociate themselves with, such conflicts. This thwarts demands to include rebellions in EAC cooperation frameworks from which they were initially excluded.

802 Christopher K. Butler, 2007. ‘Prospect Theory and Coercive Bargaining.’ *Journal of Conflict Resolution*, 51 (2):227-250.

803 EAC/SHS 13/2011, Annex IX, p 4, 15

804 James Wapakhabulo, EALA *Hansard*, 20 May 2003, p. 45.

805 *Interview*, Mwanza, 24 Sept. 2012; Brig.-Gen. Fabian Nzisabira, *Interview*, Bujumbura, 30 Aug. 2012; Kadonya

806 Rotich, *Interview*

807 *Interviews*: MIN/K/T/01-2, Nairobi, 06 Sept. 2012

On (a), state officials from both affected and non-affected states did not suggest cooperation on rebellions throughout agenda-setting processes. If *unaffected states* raised the issue they would be disrespecting the sovereign integrity of affected states. States exercised diplomatic caution. This caution reflects the belief: “If we agree that rebellions arise due to [domestic] political grievances, then getting involved in fighting rebellions raises the issue of interfering in domestic affairs.”⁸⁰⁸ On (b), *affected states* believe seeking external/regional assistance would be passing “a vote of no-confidence” in their people’s capacity for self-defence⁸⁰⁹, making them dependent on the EAC for their internal security. If done, “the leaders may be seen as not controlling their domestic affairs effectively.” This would inadmissibly compromise their stateliness. Neither side could make such a blunder. As a result, “no country has come up to say ‘we should cooperate against armed rebellions.’”⁸¹⁰

In the EAC, like elsewhere in international politico-diplomatic practice, only statespersons engage fellow state officials for they are authorised to represent sovereign entities. Mutual respect among them is the norm. Non-state actors come in with states’ implicit or explicit sanctioning. State officials uphold and respect each state’s sovereign stature, recognise and avoid overlooking or humiliating one another. Statespersons theoretically remain fully in charge of their states’ destinies instead of seeking dependence on others for critical decisions and actions affecting their states. These esteems force negotiators to avoid issues that are diplomatically problematic to communicate with each other, thereby sidestepping critical-sovereignty issues.⁸¹¹ Hence, “If the affected country does not raise its problem, how do you [a different country] raise such an issue to regional forum? That would be disrespecting the integrity of another country.” Yet, the affected country does not want to “wash its dirty linen in public” by admitting failure, inviting external actors “to govern its domestic domain.”⁸¹²

808 Heilman, 17 Sept. 2012

809 Museveni

810 *Interview*, MIN/B/T/01, Bujumbura, 29 Aug 2012

811 MIN/K/T/01 and 02

812 *Interviews*: MIN/K/T/01 and 02; EAC/SEC/T/08, Arusha, 22 Sept. 2012; MIN/U/T/02, Kampala, 16 Oct. 2012; and anonymous, Entebbe, 21 Nov. 2012

The resulting double silence, I argue, augments states' judgement that rebellions are internal affairs which affected states should independently resolve. Rebellion-free states, like Tanzania, have difficulty challenging rebellion-affected states (Uganda, Rwanda, Burundi): "seek a regional solution to your insecurity." This would be diplomatically impolite. It may stall negotiations, or sour diplomatic relations.⁸¹³ Take an example: In May 2013, *Tanzania suggested to Rwanda to hold peace talks with its rebel groups* based in the DRC. The operational and training grounds of Rwanda's (as well as Uganda's and Burundi's) rebel movements in the DRC highlights the transnational dimension and security implications of rebel conflicts in the region. It has previously strained relations between these states.⁸¹⁴ Even then, Tanzania reasoned that Rwanda needs to "give peace a chance." *Rwanda demanded apology from Tanzania* with a double-pronged argument: First, it could not talk peace with a rebel group members of which participated in the 1994 genocide. Second, Tanzania had crossed its limits to prescribe a solution to Rwanda's security problem. *Tanzania reasoned that Rwanda had overreacted.* In retaliation, it *repatriated Rwandan refugees* from its territory.⁸¹⁵ The impact of Rwandan refugees on security complexities of post-1959 Great Lakes Region is not unknown.⁸¹⁶ A suggestion by one state on how to resolve another's armed conflict led to a diplomatic rift that neither state desires.

It deserves emphasis here that non-bargains cannot be limited to what appear to be non-cordial relations between states' leaders—say between Tanzania's Jakaya Mrisho Kikwete and Rwanda's Paul Kagame, or between Kagame and DRC's Joseph Kabange Kabila. It cannot also be limited to Rwanda's and Uganda's security interests in the DRC: Rwanda's security interests in Eastern DRC cannot explain security-cooperation

813 MIN/K/T/01-2

814 Prunier; Reyntjens

815 E.g. Peter Nyanje, 2012 (Fri., 30 Aug.). 'Kikwete asks Museveni to Tell Kagame to Cool Off'. Kampala: *Daily Monitor* (accessed 12 Oct. 2013 from <http://www.monitor.co.ug/News/National/Kikwete-asks-Museveni-to-tell-Kagame-to-cool-off/-/688334/1972964/-/npajnm/-/index.html>); The Citizen Reporters, 2013 (Wed. 4 Sept.). 'Kikwete, Kagame come face to face in Kampala'. Dar es Salaam: *The Citizen* (from <http://www.thecitizen.co.tz/News/Kikwete--Kagame-come-face-to-face-in-Kampala/-/1840392/1980278/-/p3twoyz/-/index.html>, 12 Oct. 2013). I observed Tanzania and Rwanda disagree in a Council meeting in Burundi, August 2012, over whether the DRC should observe an EAC military exercise that was to be conducted on Lake Kivu at/near the Rwanda/DRC border. Whether these diplomatic rows have deep-seated causes is beyond this analysis.

816 Mushemeza; Reyntjens

outcomes in the EAC that unfolded during the 2002-2008 engagements between the EALA and Council. These attempts failed to include armed rebellions on the EAC security agenda before Rwanda joined the organisation in 2007. Yet, the then EAC partner states had cordial relations that had indeed informed the rapid revival of the EAC as my findings reveal. A brief illustration on these security complexities in Africa's Great Lakes Region (GLR), involving Rwanda and the DRC, should enlighten the reader and clear the way for my argument.

Since 1959, Rwandan refugees have traversed the GLR, suffering from and participating in ongoing conflicts in different countries.⁸¹⁷ The 1990-1994 civil war that resulted ended after the 1994 genocide was a culmination of the complex nexus between transnational refugees and national security. Following the 1994 genocide more refugees fled and caused new conflicts between Rwanda and Zaire that transformed into complex crises, such as the 1998-2002 "Africa's World War" and the ongoing conflicts in eastern DRC.⁸¹⁸ In the context of Rwanda's alleged desire to weaken its rebel groups in eastern DRC that it accuses of participating in the 1994 genocide, Uganda's claimed desire to weaken its ADF and other rebel groups it accuses of being linked with global terrorisms, it appears that the GLR's security complexities make it difficult to cooperate on transnational armed rebellions. Both Rwanda's and Uganda's interventions in the DRC seem to have followed their desire to destroy their rebel groups operating in the DRC—an extension of their counterinsurgency operations. The UN has accused Rwanda of supporting armed groups in the DRC, a claim Kigali refutes.⁸¹⁹ According to Kok, "relations between the countries involved [in resolving the DRC conflicts] have been deteriorating", thereby making it difficult for them to resolve the DRC's, and by implication Uganda's and Rwanda's conflicts. I quote her at length:

[Tt]here was the incident between Tanzania and Rwanda, which started when President Jakaya Kikwete suggested that Rwanda, as well as other countries in the region, negotiate with the rebel groups that are destabilising the eastern DRC. While this may seem to be a reasonable suggestion, the problem was that President Kikwete mentioned the *Forces*

817 Mushemeza; Rwengabo, 'The Dark Side of Diasporas in Africa's Great Lakes Region'.

818 Reyntjens, *The Great African War*; Prunier, *Africa's World War*.

819 Republic of Rwanda. 2012. *Rwanda's Response to the Allegations Contained in the Addendum to the UN Group of Experts Interim Report*. Kigali: GoR

Démocratiques de Libération du Rwanda (FDLR), a rebel group operating in the eastern DRC and blamed by Kigali for the 1994 genocide in Rwanda. In this context, Kigali's reaction was not surprising. President Kagame demanded an apology, but President Kikwete has refused to apologise, saying that the statement was made in good faith and that Rwanda should take his advice. This situation is further complicated by the fact that the commander of the IB [Intervention Brigade, a joint force formed under the aegis of the International Conference for the Great Lakes Region, ICGLR] is a Tanzanian. In the eyes of Rwanda, at least, this may call into question the neutrality of the IB. It must be remembered that the IB was first conceptualised by the ICGLR as a Neutral International Force, with great emphasis placed on having a neutral group to stabilise the region. Perhaps of even greater concern is that the relations between Kigali and Kinshasa seem to be worsening. On Thursday 29 August 2013, Kigali accused the DRC of shelling its territory. There have been reports that Rwandan troops are gathering on the DRC border, and that if the situation escalates, Rwanda may invade the DRC's territory... It has been said that the M23 could be responsible, either in an effort to discredit the IB or to give Rwanda an excuse to interfere in the conflict. Whatever the truth behind the shelling, the fact is that the conflict has taken an unprecedented and dangerous turn. The rising tension between Rwanda and the DRC has detrimental implications for the ICGLR talks. The relations between Rwanda and Tanzania have already deteriorated considerably, and now Uganda has become involved in Tanzania's attempt to ease the tension.⁸²⁰

The disagreement between Tanzania and Rwanda, I believe, is an issue how to approach regional security problems, not an interstate security conflict. Only if Rwanda has interests in the DRC beyond countering its rebel forces there is there likely to be a fundamental, strategic, conflict with Tanzania. This hypothesis I am unable to empirically prove, for the DRC falls outside my scope of analysis. While Kok believes Angola is neutral enough to promise better progress than when Uganda chaired the ICGLR, three issues need clarification from Kok's revelations: (i) whether this is a conflict between individual elites: Kagame vs. Kikwete and Kabila; Kabila vs. Museveni; Museveni mediating between Kagame and Kikwete, etc. (ii) whether Rwanda's refusal to talk peace with the FDLR, and its demand for apology from Tanzania, is rooted in the nature of the state—its patrimonial politics, desire to appease marauding Rwandan generals, Rwanda's ethno-political complexities—or is a different issue. (iii) Whether the SCs-Bargains-Cooperation framework here may be useful, even relevant, for any analyst

820 Kok, 'The International Conference on the Great Lakes Region', p. 280

desiring to understand this kind of problem that partly affects EAC partner states. I argue that the issue goes beyond elite conflicts. While Uganda's neutrality may be questioned, as Kok argues, in 2012 alone Uganda held more than 3 extra-ordinary summits of heads of states from the ICGLR—on its own cost—in an attempt to resolve the DRC conflict. The country has been applauded for this record achievement, the highest of its kind in the ICGLR's history.⁸²¹ Both Uganda and Rwanda contributed officers for the Military Assessment Team (MAT) and the Joint [intelligence] Verification Mechanism (JVM) in Eastern DRC. Admittedly, they could not be allowed to contribute troops to the NIF/IB that is handling the DRC conflicts with UN and AU mandate.⁸²²

On (i), I maintain that the conflict is not between individual heads of states, Kagame and Kikwete. The tendency to reduce disagreements between states to their leaders is tempting because states' policies may change following government changes. True, when the change is significant enough to destroy preexisting sociopolitical and other structures—such as following a revolutionary crisis like Rwanda experienced in 1994, or a significant political-military crisis like one that followed Japan and Germany's defeat in World War II—there can be some discontinuities in states' interests. Even then, some continuities that reflect stateness remain observable and vital. The pre-1994 Rwandan government cooperated and conflicted with its neighbours (Zaire and Uganda respectively). But so is the post-1994 one also cooperating and conflicting with neighbours. Again, both these conflicts have revolved around, and occurred within the context of, the GLR's security complexities that involve different compositions of Rwandan refugees at different times.⁸²³ Reducing this issue to individual elites has the potential to ignore the super-structural environments within which these leaders operate. Stressing divergence of views between Tanzania and Rwanda on how to resolve these conflicts may be more helpful.

821 Confidential, Kampala, 15 Nov. 2014; Mugimba, *Interview*; Republic of Uganda. 2012. *Response of the Government of Uganda to Allegations in the Report of the UN Group of Experts on the Democratic Republic of Congo*. Kampala: Office of the Prime Minister. ([http://www.ugandamissionun.org/UGANDA GOVERNMENT RESPONSE TO ALLEGATIONS IN REPORT OF GoE ON DR C.Final.pdf](http://www.ugandamissionun.org/UGANDA%20GOVERNMENT%20RESPONSE%20TO%20ALLEGATIONS%20IN%20REPORT%20OF%20GoE%20ON%20DR%20C.Final.pdf), accessed 20 October 2014).

822 Kok; Confidential, Kampala, Nov. 2012; ICGLR, 2014. 'The ICGLR Secretariat presents to the RIMC its two Years achievement report'. *Bulletin*, ed. 59 ([http://www.ugandamissionun.org/ICGLR Bulletin ENG..pdf](http://www.ugandamissionun.org/ICGLR%20Bulletin%20ENG..pdf), 20 Oct. 14)

823 Rwengabo, 'The Dark Side of Diasporas in Africa's Great Lakes Region'.

On (ii), it is known that Rwanda is a highly centralised and efficient state. But it has not significantly erased Tutsi-Hutu ethnic conflicts, which begot the 1959 and 1994 crises, beyond keeping them under tight policing and mechanical-coercive control. It is also riddled with patrimonial practices and networks that fuse the state's political and coercive apparatus with private wealth-accumulation ventures in what Booth and Golooba-Mutebi call "developmental patrimonialism".⁸²⁴ However, deriving causal linkages between this patrimonialism with regional security-cooperation decisions becomes problematic because apparently patrimonialism should stifle domestic efficiency, as de Waal argues. And yet in Rwanda Booth and Golooba-Mutebi reveal that patrimonial networks seem to be promoting economic and governance efficiency.

Even if one argued that Rwanda Patriotic Front (RPF)'s investments—Tri-Star Investments and Crystal Ventures Ltd—create incentives for Rwandan generals to seek to exploit DRC resources in a kind of war plunder—thus to say that "the M23 is allegedly commanded by Rwanda's Defence Minister, Gen. James Kabarebe"⁸²⁵—this is not reducible to patrimonial politics. Neither is it reducible to Kagame's desire to assuage his military generals' wealth-creation interests. Doing so would black out the state unless one showed that Rwanda's civil-military relations as the key factor influencing the continuity of DRC conflicts. It would present the RPF as a capitalistic organisation but separate from the Rwandan state. But viewing Tri-Star Investments and Crystal Ventures Ltd as state enterprises brings the state, and not individuals like Kagame and Kabarebe, at the core of the debate⁸²⁶ to appreciate the state's independent influence. To close, the historical trajectory of DRC conflicts reveals that states which are involved in the conflicts are struggling to enhance their monopoly on meta-political authority.

Finally, whether the sovereignty bargaining framework is applicable to or relevant for this complex regional issue.

I argue that it is applicable even though the DRC is not an EAC partner state, hence out of my scope. The ICGLR

824 David Booth and Frederick Golooba-Mutebi, 2013. 'Developmental Patrimonialism? The Case of Rwanda'. *African Affairs*, 111 (444):379–403

825 Kok, p. 279

826 These enterprises can thus be likened to other state-owned enterprises.

is an ad hoc international organisation established to address Uganda-Rwanda/Burundi-DRC conflicts, with the UN and AU mandate.⁸²⁷ It is not a REC as understood under the AU. In fact, since each of the ICGLR states belongs to a REC it is more curious why these states do not operate through their more institutionalised and older RECs to resolve these conflicts, or form an inter-REC framework instead of ad hoc organisation in which their bargains remain even more protracted due to suspicions and new commitment problems. From this viewpoint, the ICGLR relates with the EAC under the aegis of cooperation with other organisational efforts that supplement the EAC's objectives.⁸²⁸ This does not rule out sovereignty and other relevant bargains in these engagements. So, the bargaining framework is relevant here: in fact, the Tanzania-Rwanda conflict underscores the salience of non-bargains in stifling cooperation on armed conflicts. When we observe difficulties of jointly arriving at solutions to armed rebellions in both the EAC and the ICGLR, then this theory is vindicated.

Disagreements between states are a normal part of international politics generally and interstate bargaining specifically. Interstate bargaining addresses these disagreements. To say that sovereignty bargaining results in cooperation is not to presuppose absence of disagreements. I illustrate how Tanzania and Rwanda continue to cooperate on other issues even as the above-mentioned conflict is being mediated by Uganda. I also show how normal bargaining procedures helped to resolve the disagreement on a seemingly simple but contentious issue: the observation of the EAC joint military exercise which would be held in Rwanda in 2012.

During the Council of Ministers meeting in Bujumbura, August 2012, states agreed to hold the planned joint military training exercise in Rwanda. Part of the exercise, which had been scheduled for October-November 2012, would involve counter-piracy training and would take place on Lake Kivu, one of the Great Lakes situated at the Rwanda-DRC border. Tanzania was concerned that exercising near/at the DRC-Rwanda border might raise fears from the DRC when the exercising forces sail onto the waters and fire their arms. Tanzania's minister

⁸²⁷ ICGLR, *Dar es-Salaam Declaration*; Kok.

⁸²⁸ Treaty, Article 130

for EAC affairs suggested that the DRC be invited as an observer to the exercise. A Rwandan official opposed Tanzania's suggestion. The conflictual relations between Rwanda and DRC since 1995⁸²⁹ and differences between Rwanda and Tanzania on how to respond to them came to the surface. This predates the apparent Kikwete-Kagame disagreement that Kok reveals⁸³⁰ and shows that these are state conflicts, not elite ones.

The Rwandan official seemed to know the Tanzania-Rwanda-DRC conflicts. But she seemed to know little about the location and geographical extension of the exercise area. She erroneously held—as I later reveal—that the exercising forces would not reach the DRC border. Hence, the DRC had nothing to fear about the exercise, and did not need to observe it. The Tanzanian minister maintained his ground. Consensus almost eluded the Council. However, the EAC Secretary General, Amb. Richard Sezibera, a Rwandan national who knows the region well and seems to have hands-on information about the region's goings-on, quickly used diplomatic tact to resolve the disagreement. He based on the EAC's negotiation procedures to spawn agreement on this seemingly contentious issue. He suggested that the issue regarding the DRC's observation of the EAC joint military exercise be communicated to, and discussed in, the forthcoming ICGLR Summit. Here the ICGLR supplements the EAC's objectives⁸³¹ of promoting peaceful security relations between its partner states and with its neighbours. The ICGLR Summit would be held in Kampala, Uganda, the following week.⁸³² The summit would bring heads of states from Tanzania, Rwanda, Uganda and the DRC together. The issue would be resolved at the highest level. At this level, at the EAC's ministerial Council meeting in Bujumbura, agreement had been reached: issue-bracket and postpone the issue of whether or not the DRC should observe an EAC joint military exercise. What appeared as an agreement was in actual sense postponement of the disagreement.⁸³³

829 Personal Observations, Bujumbura, 30-31 August 2012. I was personally present when this issue was raised and debated

830 Kok

831 Treaty, Article 130

832 Personal Observations, Bujumbura, Burundi, 30-31 August 2012.

833 I was not able to follow up on whether the Summit allowed the DRC to observe the exercise. I am aware, however, that the planned exercise took place without raising eyebrows from the DRC.

I believe that this issue underscored the geopolitical complications of the EAC's security cooperation, for several reasons. First, while the Tanzanian minister who raised the issue seems to have been aware that the exercise would geographically be held at/near the DRC border, the Rwandan official dismissed Tanzania's claim: "I don't know where the Hon. Minister is getting his information from". She argued that the exercise would not be held at/near the DRC border, possibly because she was not fully aware of the anti-piracy component of the exercise. Her argument seems to have been based more on her understanding of the strained DRC-Rwanda relations, and Tanzania's complicated role in it, than on the empirical reality of what would transpire during the exercise and its potential implication for security fears across the order in the DRC. Similarly, the Tanzanian minister seems to have been concerned more with the strained DRC-Rwanda relationship than with the cautious intent of ensuring good neighbourliness (here between the EAC and DRC) as spelt out in the Treaty. However, the debate was to involve another IO, the ICGL, in the EAC's decision-making processes. Ultimately the decision indicates the effectiveness of normal bargains on non-sensitive issues—herein joint military exercise that is a component of the EAC's defence confidence-building measures. Similarly, the conflict between these counties underlines the difficulty of bargaining and cooperating on "sensitive issues."

Second, an official who is privy to security issues in the GLR suggested that following accusations and counter-accusations between Rwanda and the DRC over the Congolese security crisis, the DRC had indicated in one of SADC meetings that its security woes partly originate from Rwanda. The DRC is said to have sought SADC-level support to pressure Rwanda to stop supporting armed groups in eastern DRC. The SADC meeting, in turn, had resolved that Tanzania, a member of SADC as well, should operate through the EAC to create regional pressure against Rwanda over the Congolese conflict. Apparently, Tanzania was acting on a SADC resolution. If this is true, it supports my bargaining argument, for it becomes a national issue, not a question of elite conflicts, nature of the state, and other possible explanations. Apparently, Tanzania's suggestion was an indirect form of inter-organisational engagement in which SADC was bringing to the EAC's attention the security concerns of a

SADC member state, the DRC, in which EAC partner states are complicit.⁸³⁴ I could not verify the claim that SADC asked Tanzania to use the EAC to prevail upon Rwanda. But post-1994 DRC-Rwanda security conflicts and the involvement of SADC member states like Angola, South Africa, and Zimbabwe, are well-known as some are members of the ICGLR.⁸³⁵ This debate and the revelation that followed from it raise issues about the implications of multiple/overlapping memberships to different regional organisations for meaningful interstate bargains on security cooperation issues in Africa that Vines and Williams examine.

Third, contrary to the Rwandan official's denial, the EAC Secretary General's confirmation that the October-November 2012 exercise would involve a component on privacy to be conducted on L. Kivu, near/at the border with DRC⁸³⁶, perhaps indicates that decisions on security cooperation are made behind closed doors under the DLOs, limiting civilian actors' involvement in security-related decision-making. Perhaps the Rwandan official was not insensitive to the DRC's potential security concerns but may have been less, if at all, knowledgeable about the details of the forthcoming exercise given the tendency to keep defence issues out of civilian involvement. As an individual, she may have been caught unawares—because Tanzania raised this important issue toward the closure of the meeting, leaving limited time to discuss the issue—and may have hardly been expressing a national position. Even if she was expressing a national position as a technocrat—and there is nothing to show that she was not—this can be contextualised in the post-1994 DRC-Rwanda relations beyond my scope.

Similarly, if Tanzania acted under pressure from SADC, it implies that progress with bargaining and agenda-setting in the EAC is sometimes affected by external dynamics, and that national standpoints may be informed by geopolitical factors. Again, here national positions take precedence over elites' narrow interests, making it a state issue on which extra-EAC bargaining generates agreement that caters to wider regional and continental

834 Confidential Interview, 31 August 2012.

835 Prunier, *Africa's World War*; Kok

836 Personal Observation, 31 August 2012; Field Interviews, Kampala and Bujumbura, August-December 2012.

interests since the DRC conflict is complex issue with a continental magnitude.⁸³⁷ I find the approach adopted to resolve this disagreement useful indicator of the effectiveness of multi-level normal bargaining (Figure 2, Ch. 5) in generating cooperation agreement as the DRC would be rightly concerned about its security and territorial integrity. Expressing its concerns via SADC or Tanzania would be a normal practice in international politics.

To factor into this analysis the SADC-Tanzania concerns over the DRC conflict, available evidence indicates that in a SADC summit held in Dar es Salaam, 8 December 2012, the organisation resolved on the “deployment of SADC’s Standby Force in the eastern part of the DRC within the framework of the NIF [Neutral International Force]”.⁸³⁸ Following the UN Experts Report on the DRC that accuses Rwanda (and to some extent Uganda) of involvement in the DRC conflict⁸³⁹, the two countries’ forces would not be part of the NIF. This is the basis of Kok’s finding that “the commander of the IB is a Tanzanian. In the eyes of Rwanda, at least, this may call into question the neutrality of the IB.”⁸⁴⁰ By May 2013, Tanzania had deployed forces in eastern DRC under the NIF. It becomes clearer why Tanzania’s call for peace talks with Rwanda’s FDLR rebels raised negative response from Kigali. This disagreement vindicates my view that Rwanda and Tanzania have divergent opinions regarding the methods of resolving armed conflicts in the region—one favouring a military approach and another the peaceful one.⁸⁴¹ This further proves my argument that non-bargains are observable on armed rebellions.

Rwanda’s response seems to prove my view that states oppose external actors’ involvement in resolving their armed conflicts originating in domestic causes. On opposing external actors’ involvement in, and association with, armed conflicts, the Rwanda-Tanzania diplomatic disagreement over how to handle Rwanda’s armed

837 Prunier, *Africa’s World War*; Reyntjens, *The Great African War*.

838 AU, 2012. *Communique of the Peace and Security Council of the African Union at its 346th Meeting* (PSC/PR/BR(CCCXVI)), p. 1 [available at <http://www.peaceau.org/uploads/psc.346.drc.10.12.2012.pdf>, 20 Oct. 2014]. Addis Ababa: AU

839 UNSC, S/2012/843: *Report from Group of Experts on the Democratic Republic of the Congo*

840 Kok, p. 280

841 Daily News, 2013. ‘Why Apologise to Rwanda?’ Dar es Salaam: *Daily News* (<http://www.dailynews.co.tz/index.php/dailynews/18160-why-apologise-to-rwanda>); Abdul Wakil Saiboko, 2013, ‘Tanzania says NO to Kigali Demand for Apology’, Dar es Salaam: *Daily News* (<http://dailynews.co.tz/index.php/local-news/18146-tanzania-says-no-to-kigali-demand-for-apology>) – all on 5 June 2013

conflict partly explains why states avoid such displeasure and chose to stay out. Other states believe it is a “vote of no confidence” to involve external actors in conflicts they consider to be domestic. Thus, Masha argues, unless a state has national interests in another state’s rebellion, it can hardly get involved⁸⁴² as Burundi-Rwanda-Uganda did in the DRC. Perhaps Tanzania’s interest is to reduce the number of refugees flowing from conflict-affected neighbours into Tanzania: indeed after Rwanda demanded apology for Tanzania’s suggestion the immediate counter-reaction to Rwanda was to expel Rwandan refugees from Tanzania. This experience shows why states not only oppose external states’ involvement but are reluctant to associate themselves with any of the parties to the conflict. Operationally, argues Heilman, “the prospect of getting bogged down in a protracted counterinsurgency would cause state leaders to think twice about making commitments against armed insurgencies in fellow EAC countries.”⁸⁴³ Perhaps this explains why policymakers are lukewarm about regional institutional and structural changes that would facilitate such engagements as I later show.

Regional Security/Authority Structures would Superintend State Agencies

On regional agencies for addressing rebellions, I show in Chapter 4 that, peaceful solutions to armed conflicts—bilaterally and multilaterally negotiated settlements—have failed more than they have succeeded.⁸⁴⁴ Sensitive domestic security issues of a political nature cannot be merely handled through ad hoc measures, a reason why many such attempts always fail. Regional agencies mandated to address intrastate complexities would be necessary. In East Africa, ad hoc measures failed in Uganda, Rwanda, only succeeded in “trumping down the conflict” in Burundi—and might fail again. Effective peaceful processes necessitate penetrative interference in states’ internal affairs because failure to muster the causes and histories of conflicts treats the symptom without addressing the causes, such as intrastate governance issues and histo-political injustices that lead to conflicts

842 Hon. Dr Fortunatus Lwanyantika-Masha, *Interview*, Mwanza, 24 Sept. 2012

843 Heilman

844Toft, ‘Ending Civil Wars’, p.35-36; Adedeji, ‘Comprehending African Conflicts’, p.10

in these countries.⁸⁴⁵ Details are not necessary here. Regional military solutions too cannot address these causal complexities. Hence the informant's question in Table 5: "how do you cooperate on armed insurgencies: do you support them?" Heilman raises this issue: "Some understanding of the dynamics of the rebellion is needed—what are its origins? The rebellion could be a symptom of an underlying factor causing political instability."⁸⁴⁶ States are aware that this cannot be reduced to one-off trump-down on the conflict, but requires institutionalised, protracted engagement with rebel groups, governments, and governance, as I later reveal about the EALA's institutional and structural demands. Successful management of terrorism and SALWs is not as visible in terms of domestic political-security governance and structural changes as addressing "underlying causes" of a rebel conflict which looks like resolving domestic conflicts.

Even if some hypothetical peaceful solution could positively impact security without addressing root causes or trampling against states' meta-political authority, such choices are stymied by the interpretation of rebellions as internal affairs, experience of past failures, and reservations about EAC-level institutionalised engagements that may erode state' meta-political authority. Otherwise, EAC commitment necessitates effective regional security-governance structures. A regional agency mandated to lift the veil of sovereignty in affected states would be necessary: if underlying causes are internal, peaceful solutions must address those internal affairs. Practically, "Should conflicts get out of hand" the EAC "should engage in conflict resolution activities such as mediation and *pressuring [partner] states to end oppression or discrimination that may be fuelling a sense of grievance.* Pressure should also be placed on states and rebels to cease the use of violence to solve political problems."⁸⁴⁷ This negates states' political independence and interferes in internal affairs for an EAC agency mandated to define/prescribe and monitor states' and their opponents' political practices or taking sides in a 'domestic' conflict

845 On difficulties of repairing historical wrongs, some of which sow seeds of present-day transnational armed conflicts in Africa, see articles in: Special Issue 'Repairing Historical Wrongs.' *Social and Legal Studies: An International Journal*, 21 (2):155-256

846 Heilman; *Social and Legal Studies: An International Journal*, 21 (2):155-256

847 Heilman

contradicts the principle of non-interference. This distinguishes rebellions from SALWs and terrorism the cooperation on which involves “efforts to coordinate and cooperate... *in a manner that does not threaten or fundamentally challenge the existing status quo regarding state sovereignty*.”⁸⁴⁸

Thinking about military responses in case of failed peaceful solutions not only raises “the prospect of getting bogged down in a protracted counterinsurgency” in a given country but evokes fears about obvious difficulties: command and control, constitutionality, the side of the armed conflict (government vs. rebels) to support, and trust. Even if states colluded against a given rebel movement it is not-so-rosy a bed: besides the need for joint operational command and control systems, there are political, human, financial, and material costs of taking sides in another state’s conflict. What if rebels triumph over regional forces? Example: Rwanda’s diplomatic relations with France and Zaire went sour after the RPF captured power because France and Zaire supported Juvenal Habyarimana’s government against the rebelling RPF.⁸⁴⁹ Besides, such collusions require joint military operations. Command over security forces in the EAC is a constitutional obligation of heads of states: “Such responsibilities are difficult to share” among sovereigns.⁸⁵⁰

Difficulties of command and control also inhere in limited trust among states after the EAC’s 1977 dissolution; variations in the historical evolution of different states’ militaries; and states’ belief that they should remain—to great measure—self-reliant entities. EAC partner states use caution to avoid disagreements and recurrence of the 1977 experience: once bitten twice shy. Their militaries have evolved from different experiences: some are former rebel forces (Burundi, Rwanda, and Uganda) and are ideologically infused with states’ politico-security landscape; others are former colonial militaries and remain careerist (mainly Kenya) besides the compositional, institutional, and other postcolonial changes that took place in these militaries. The former have experienced

848 Ibid

849 Mushemeza

850 Confidential, Nairobi, 22 August 2012

protracted counterinsurgency operations, others like Tanzania People's Defence Forces have very limited experience. Though there may be similarities in these states' civil-military relations, significant differences among these militaries retard confidence (Chapter 4).⁸⁵¹ Hon. Sarah Bonaya reveals how limited trust stymies joint military solutions to armed conflicts: "we do not want to rush issues of security cooperation to avoid bringing [different] armies together which will clash owing to limited confidence."⁸⁵² Consequently, EAC partner states "cooperate as sovereign states" in security matters.

Besides the aforesaid, states dislike the possible deployment of foreign security forces on their territories to counter rebellions since peaceful "efforts that have been made" to resolve armed conflicts "have in most cases proved abortive, or at best, have succeeded only in dumping down the conflicts."⁸⁵³ This experience makes military solutions a near possibility: "Even if peaceful means fail completely, on the regional level, if it is necessary that military means is used at the regional level, then let it be! (sic)... So, we should look at those when we go into the issues we are going to handle."⁸⁵⁴ The message is clear: assuming that only peaceful solutions can end transnational rebellions is unwise: military solutions are an inevitable option. And military solutions not only entail dependence on foreign forces but deployment of these forces on one's territory.

Yet, foreign troop deployment is reprehensible because: (i) it naysays the principle of non-intervention and respect for states' territorial integrity.⁸⁵⁵ (ii) A state forgoes control over its territory; its legitimate monopoly of violence; and depends on external forces for its security—at least temporarily: "You cannot expect to send the armed forces of Burundi to fight in Rwanda, to intervene in a crisis in Rwanda". This "signals negatively on the

851 On the Politico-Military landscape of some EAC states, see: Sabastiano Rwengabo, 2013. 'Regime Stability in Post-1986 Uganda: Counting the Benefits of Coup-Proofing.' *Armed Forces and Society*, 39 (3):531-559; Boubacar N'Diaye, 2002. "How Not to Institutionalise Civilian Control: Kenya's Coup-Prevention Strategies, 1964-1997." *Armed Forces and Society*, 28 (4):619-40.

852 Sarah Taraso Bonaya, *Interview*, Nairobi, 7 Sept 2012

853 Adedeji, p.10; Toft, p. 34

854 Hon. Capt. Richard Dudu, Hon., *EALA Debates*, 20 May 2003, p. 34

855 Kaguta; Anonymous – *Interviews*; Zacher

state concerned”, eroding its autonomy and control.⁸⁵⁶ (iii) Foreign security forces are existential threats to statehood for an authority that commands the means of violence in a given territory rules over that territory. For Heilman, “Deployment of regional troops to a member country could undermine the host state’s legitimacy.”⁸⁵⁷ Thus, the affected state will have forfeited its meta-political authority. Dislike for foreign security forces on states’ territories is not uncommon among states that uphold the UN principle of respect for territorial integrity. Perhaps dependent, coerced, and neutral states are contextual exceptions that lie outside my sovereignty bargaining theory’s explanatory bounds. Otherwise, states prefer self-sufficient solutions to rebel conflicts.

Sovereign Entities Should Handle Rebellions Independently

On states’ claim and/or projection of the belief that they should handle rebellions autonomously, I argue that authority structures embody states’ meta-political authority. States insist that they should address rebellions using independently-constituted and autonomously-controlled structures. Leaders hold that they have a duty to solve their problems and cannot invite external actors, such as IOs, to defend them. Uganda’s President Yoweri Museveni believes states should respect their people’s capacity for self-defence:

Calling the United Nations [to come and solve your security problems] *is a vote of no confidence in your people*. How can I call the United Nations to come and solve my problems in Uganda? How? What am I for? ... Uganda has had so many problems [in the past] but *we have never called for the United Nations to come and solve our problems* ... It’s just an insult to tell me to call the United Nations to come and defend Uganda. It’s an insult. *It is an insult to us...*⁸⁵⁸

Museveni’s argument indicates states’ belief that sovereignty empowers states to stand on their own. Reference to “a vote of no confidence in your people” signifies the interest of the collective political entity, the state. Even if one argued that it is political rhetoric, or that as a national leader he knows such admittance would signal negatively on him as a leader, it is true that Uganda has had serious internal security crises that have been

856 Interview: MIN/B/T/02, Bujumbura, 30 Aug. 2012; Kaguta

857 Heilman

858 Museveni, 2013 (24 April). *Address to the East African Legislative Assembly*. Kigali (from <http://www.youtube.com/watch?v=nXONRwRsoBw>, 12 October 2013]

resolved without UN intervention. States readiness and ability to resolve their own problems reinforces their majesty when followed by *a vote of confidence* in their people's capacity for self-defence.⁸⁵⁹ It affirms states' insistence that sovereign entities should be self-reliant in some respects. It is more difficult at EAC level where there is "high politics" than at UN level where there is "low politics" going by McCormick's distinction between regional and global cooperation. Even with UN-level "low politics", states still dislike inviting the UN "to come and defend" sovereign entities. Contrarily, states accept to coordinate on SALWs and terrorism "*in a manner that does not... fundamentally challenge the existing status quo regarding state sovereignty*."⁸⁶⁰ Rebellions' intricate links with domestic politics informs states' emphasis on self-reliance, silence about rebellions in regional agenda-setting fora, and limiting security cooperation to less sensitive security issues.⁸⁶¹

I exemplify the above limitation on the nature, extent, and issues of security cooperation: Leonard Onyonyi (EAC Peace and Security Expert) reveals that during negotiations on an MoU between the EAC and the AU Security Council on the APSA's implementation, cooperation was limited to coordination on non-sensitive issues: cattle rustling, border security, counterterrorism, crisis responses to refugees, maritime piracy. Further, the defence MoU, which was upgraded to a protocol, is "*restricted so far to: training, joint [peace support] operations, culture and sports, science and technology*." Hence, states undertake "joint trainings in regional institutions"; joint exercises; "regular culture and sports activities." "Exchanges in... science and technology are under development."⁸⁶² As rebellions evoked high-level SCs they were excluded from these conventions. Then, the EAC's mandate is also *limited to only those issues that are included in protocols*.⁸⁶³ Initial exclusion from conventions and then limitation of the EAC's mandate imbeds non-cooperation on rebellions: it creates

859 Kaguta; Sserwadda; other *Interviews*

860 Heilman

861 Several Interviewees; Heilman

862 Onyonyi, *The EAC Peace and Security Architecture*, p/Slide. 5 & 16

863 Waffubwa

precedent on non-cooperation, subtly legalises it, and makes future demands to the contrary legal-political complications in the EAC. The non-bargains that stymied cooperation in the coming section clarify this idea.

Since solutions to rebel conflicts are complex and often result in undesirable consequences, such as conflict recurrence and escalation of war⁸⁶⁴; potentially taking sides in a conflict originating in domestic causes and/or “the hypocrisy of... fighting rebellions in [EAC partner] states while fuelling rebellion in non-member states” like DRC and Sudan⁸⁶⁵; and interference in states’ internal affairs, rebellions exceed the threshold at which states would endure costs to their meta-political authority in exchange for the benefits of security cooperation. States’ fear of losing “exclusive control over” their security domains⁸⁶⁶ in trying to cooperate on rebellions engenders non-bargaining as a preventive strategy. Over time, the EAC’s institutional infrastructure is built on principles of “strict respect for state sovereignty.” Its sustenance of this non-cooperation becomes intelligible when we consider states’ fear of losing their “immunity from external interference” in their “domestic structures of authority.” This immunity is violated “*when a state is intervened against but also when a state invites an external body to govern some of its domestic functions*”⁸⁶⁷ as Museveni aptly puts it. These concerns generated non-bargains that led to initial—and thereafter sustained—non-cooperation on rebellions.

Non-Bargaining Strategies and Non-Cooperation on Rebellions

Non-bargaining is neither a direct opposite of bargaining nor synonymous with diplomatic non-communication among states. In the EAC, it entails states’ collective reluctance to subject critical-sovereignty security issues to processes of interstate negotiations by which cooperative decisions are made. It is a means of avoiding existential issues through mutual non-engagement after weighing the possible gains of cooperating on these

864 Toft; Adedeji

865 Heilman

866 Krasner, ‘Westphalia and All That’, 235

867 Stephen D. Krasner, 1999. *Sovereignty: Organised Hypocrisy*. Princeton: Princeton University Press, pp. 20-25 (my emphasis); Philpot, p. 300

issues against possible losses to states' meta-political authority. This cost-benefit analysis creates incentives for states to avoid rebellions in the bargaining processes or to remain silent when pressured. Non-bargains include: (a) opposition to voices demanding cooperation on rebellions—occurring in a sovereignty-sensitive regional decision-making infrastructure; and (b) purposeful silence about them.

Theoretically, none of these techniques is bound to precede the other. The techniques need not coexist as well. But once they are concurrent, they reinforce each other. Their entwined simultaneity in the EAC created a complex and highly effective non-bargaining strategy that stymied cooperation on rebellions. I categorise pro-cooperation voices on rebellions into: (i) Civil society demands; and (ii) resolutions from the EALA. None of them convinced the EAC to cooperate on rebellions. Civil society voices might appear negligible to decision makers for they arose outside of EAC organs. But the *fruitlessness of the EALA's demands* reveals the efficacy of non-bargains in stymieing cooperation. First I address the Kenyan case; then the EALA's fruitless demands.

NON-BARGAINING I: OPPOSITION TO PRO-COOPERATION VOICES – KENYA'S CASE⁸⁶⁸

The EACJ's ruling examined below shows that EAC organs and institutions respond to rebellions differently from the way they do to other security and judicial issues. The Court had ruled against Rwanda in a previous case involving human rights complaints.⁸⁶⁹ But the case of Kenya's Sabot Movement for the Defence of Land (SMDL) differed from other cases the EACJ previously decided since it involved counterinsurgency operations. The plaintiff attached, to the case, Kenya's political leadership and security agencies—the military and police—that had quashed the rebellion. This uniquely touched the core of states' internal security and legitimate

⁸⁶⁸ The evidence I adduce here is inferential. I interpreted it basing on my understanding of the EAC's political-sovereignty and legal-institutional foundations. Limitations to these conclusions may arise from my not accessing/interviewing EACJ Judges, IMLU officials, and lawyers. But the Court's verdict, Interviews with EAC and state officials, an analysis of the principles informing this "opposition", and comparisons with other cases and the ICC debate in East Africa today, concretise this inference.

⁸⁶⁹ EACJ, 2010. *Plaxeda Rugumba Vs. Secretary General of the EAC and Attorney General of Rwanda - Ref. No. 8 of 2010*. Arusha: EACJ; Open Society Justice Initiative (OSJI), 2013. *Human Rights Decisions of the East African Court of Justice*. New York: OSJI, p. 9

monopoly of violence. This outdoes the legal gymnastics that evolved around the case: where the First Division Court quashed the question of time-limitation; its decision was reversed by the Appellate Division; then the Appellate Division rejected an application for judicial review of its decision.⁸⁷⁰ I infer that the EACJ's verdict demonstrates opposition to cooperation on rebellions for two reasons: (a) precedent; and (b) implementation.

On legal precedent, the judges knew that a different ruling would set a precedent for the EAC's involvement in future/other intrastate armed conflicts. This would have created a response crisis with states refusing to implement it given their open desire for self-reliance in managing rebel insecurity. Alternatively, it would set precedent for state action and/or inaction not envisioned then, with potentially undesirable consequences for the Treaty. Article 38(3) reads: "a Partner State or the Council shall take, without delay, the measures required to implement a judgement of the Court."⁸⁷¹ States as sovereign entities handle counterinsurgency "measures". How would "measures required to implement a judgement" be taken, and by whom, when Kenya, the likely implementer, was the accused? In hindsight, the EACJ would have adjudged meddling in Kenya's internal affairs. A verdict setting such precedent, prescribing how states handle their insecurity while requiring them to act "without delay", would have been judicially audacious against states' meta-political authority and legal-politically vain since the EAC has no agency to monitor and sanction compliance with such decisions.

On (b), the judges perhaps knew that implementing their decision would have required interfering in Kenya's internal affairs while excluding/restraining the accused Kenyan "structures of authority" from regional action. Apprehending Kenyan officials for carrying out counterinsurgency operations in a manner that violated human rights required the EACJ to independently investigate these violations and decide remedies. This required meddling in Kenya's internal affairs contrary to UN-AU-EAC principles of non-interference. Likewise, a different verdict would have: (i) threatened states' independent security decisions and actions; (ii) faced implementation

870 OSJI, pp. 3-5
871 Treaty, Art. 38(3)

difficulties resulting from Kenya's non-cooperation and/or refusal to apprehend officials who exercised its sovereign authority; and (iii) led to potential EAC sanctions against Kenya for violating Art 38(3) of the Treaty, thereby creating regional unease with Kenya isolated. The EACJ had great difficulty.

A different verdict would have required the EAC to develop, implement, prescribe, and/or monitor certain counterinsurgency modalities in other conflict-affected states: Burundi, Rwanda, and Uganda. This would demand a regional authority structure superimposed above states' "domestic structures of authority."⁸⁷² But the EACJ's verdict, as it now stands, implies that regional structures could not override national structures at least on matters of internal security.⁸⁷³ I do not underrate the human rights dimension of the case. Rather, I stress that principles of respect for state sovereignty informed the Court's decision. This underscores the tension between these principles and possible EAC responses to prevailing insecurity. It also implies that EC organs are not neutral enough to avoid making sovereignty-sensitive decisions, such as political judgements. At the altar of states' meta-political authority EAC-level solutions to armed conflicts are sacrificed.

Why infer respect for states' meta-political authority in the Court ruling instead of ordinary legality? I argue that the EACJ is not independent enough to issue directives and pass decisions that might contradict states' meta-political authority. The EAC's fundamental principles create difficulties for the EACJ to make judicial decisions that are not political-sovereignty sensitive because: First, it depends on Council for its full operationalisation. Dependence on the sovereignty-sensitive members of national executives for operational mandate intuitively compels Court to oppose voices that potentially threaten states' meta-political authority to avoid unnecessary conflicts with Council. Considering the amendment of the Treaty that followed a previous court ruling, the EACJ realised that EAC structures are disallowed to compete with state structures.⁸⁷⁴

⁸⁷² Philpot, p. 300

⁸⁷³ *Interview*, EAC/SEC/T/06, Arusha, 21 Sept. 2012

⁸⁷⁴ Treaty, Art. 27(1)

Second, Court's *jurisdiction is limited to* advisory, interpretation, and arbitral roles.⁸⁷⁵ It has no sanctioning powers. Therefore, the EACJ has an implicit duty to oppose threats to states' ultimate political authority for it operates within a legal-institutional framework deliberately designed for the same. For Krasner, states make and abide by international conventions only "in keeping with their interests", making some conventions non-*efficacious*.⁸⁷⁶ These remarks become clear from ensuing paragraphs in which I describe how this case evolved, issues of contention, roles of contenders, the ruling, and analyse the principles that informed this verdict.

Compared to Other EACJ Verdicts

A brief comparison with other cases unveils the uniqueness of the SMDL case that involved armed rebellion. First, James Katabazi and 21 others sued the EAC and Uganda. Soon after being bailed by Uganda's High Court on 16 November 2006, they were re-arrested by security forces that had surrounded the court building in violation of the judiciary's independence. They were charged with treason and illegal possession of fire arms in a Court Martial on 24 November 2006. The Uganda Law Society sued over the constitutionality of the state's actions. Uganda's Constitutional Court ruled against the state. The plaintiffs went on to the EACJ, claiming that they were not released after the Constitutional-Court ruling: this violated their human rights in both international and Ugandan law. The EACJ held that "jurisdiction with respect to human rights requires a determination of the Council and a conclusion of a protocol to that effect. Both of those steps have not been taken. It follows, therefore, that this Court may not adjudicate on disputes concerning violation of human rights *per se*."⁸⁷⁷

Yet, the EACJ refused to "abdicate from exercising its jurisdiction of interpretation" just because the case involved human rights. It ruled that the EAC Secretary General "should have taken the necessary action" under

875 John Eudes Ruhangisa, 2011 (1–2 November). 'East African Court of Justice', presented during Sensitisation Workshop on "The Role of the EACJ in the EAC Integration", Imperial Royale Hotel, Kampala, p. 26 (from <http://www.eacj.org/docs/EACJ-Ten-Years-of-Operation.pdf>, 12 Feb. 2013).

876 Krasner, *Sovereignty*, p. 7; Philpott, p. 301

877 EACJ, Ruling/Ref No. 1 of 2007, p. 15

the Treaty “that the complainants expected of him: to register with [Uganda] that what happened is detestable in the [EAC]”, and that “the reference succeeds in part and the claimants are to have their costs as against” Uganda.⁸⁷⁸ Jurisdiction did not stop Court from ruling against the state and the EAC. But it did in the SMDL case.

Second, Plaxeda Rugumba sued Rwanda and the EAC over the arrest and detention, incommunicado and without trial, by Rwanda’s security agents, of her young brother, Lt. Col. Seveline Rugigana Ngabo. This, she argued, breached the EAC’s fundamental principles: Articles 6(d) and 7(2), of the Treaty. She also accused the EAC of failure to investigate Rwanda’s failure to satisfy its Treaty obligations of respecting human rights and rule of law. Court declared that “*the detention of the Subject... by the agents of... Rwanda from 20th August 2010 to 28th January 2011 was in breach of the fundamental and operational principles of the [EAC]....*” The case against the EAC was *dismissed “without costs.”* Court ordered Rwanda to pay costs of the Reference to Rugumba. Rwanda appealed in vain: the “judgment of the First Instance Division [was] upheld” and Rwanda was ordered to bear Rugumba’s costs in both the Appeal and the Reference.⁸⁷⁹

Yet in the SMDL case, which also raised human rights issues, the issue of jurisdiction was considered. The EAC was dropped from the SMDL reference “with costs.” Therefore, compared to these two cases, the SMDL case seems to have been treated uniquely because it involved rebellion and counterinsurgency operations.

The Unfolding of the SMDL Case

The SMDL operated from western Kenya’s Mt. Elgon district from around 2005. Kenya’s counterinsurgency operations attracted the Independent Medico-Legal Unit (IMLU)’s attention.⁸⁸⁰ The IMLU reasoned that Kenya failed to end the insurgency, seek regional assistance, and violated human rights while handling the rebellion. It

⁸⁷⁸ Ref. No. 2007, p. 26

⁸⁷⁹ EACJ, *Ref. No. 8 of 2010*, p. 32; EACJ, 2012. *Attorney General of the Republic of Rwanda Vs Plaxeda Rugumba: Appeal No. 1 of 2012*, Verdict, p. 16-17. Arusha: EACJ. See Treaty: Articles 6(d) and 7(2)

⁸⁸⁰ The IMLU is registered—as an NGO—under Kenya’s Non-Governmental Organisations and Coordination Act of 1999

alleged that between 2005 and 2008, Kenyan authorities led to the disappearance, torture, and/or execution of thousands of Kenyan residents in the district. In 2010, the IMLU sued to the EACJ: (i) Kenya over counter-violence; human rights violations during counterinsurgency operations; failure to provide safety, security and protecting civilians; and failure to punish human rights violators; and (ii) The EAC Secretary General over the EAC's non-involvement in resolving the issue perhaps under the aegis of security cooperation in the EAC. The EAC was sued in accord with Article 30 of the Treaty.⁸⁸¹ The EACJ's Coram included: Johnston Busingye, PJ; Stella Arach-Amoko, DPJ; John Mkwawa, J; Jean-Bosco Butasi, J; and Benjamin Kubo, J.⁸⁸²

Kenyan officials attached include the Attorney General; Minister for Internal Security; Chief of General Staff, Kenya Defence Forces; and Commissioner-General, Kenya Police Force. Kenya's authority structures came to the limelight of demands for EAC decisions on its counterinsurgency measures. Office-holders were sued in their capacities as accounting officers for respective agencies. The IMLU accused both Kenya and the EAC of failure "to take measures to prevent, investigate, or punish those responsible for executions, acts of torture, cruelty, inhuman and degrading treatment of over 3,000 Kenyans resident in Mount Elgon District". So, the EAC failed to participate in intra-state investigations and sanctions linked to rebellion. These commissions and omissions "violated several international human rights conventions, the Kenya Constitution, as well as the [EAC] Treaty."⁸⁸³ The IMLU's attachment of the EAC raises questions about the RO's role in states' security affairs: even if the EACJ had human rights jurisdiction the SMDL case exceeds ordinary human rights complaints.

The Kenyan and EAC's defence made two counterarguments: (i) the case should have been brought to the EACJ within two months of the happening of the issues complained of in line with Article 30(2) of the Treaty: "The proceedings provided for in this Article *shall be instituted within two months* of the enactment, publication,

⁸⁸¹ Article 30(1)-(3) provides that persons resident in Partner States can sue over legality of states' actions or decisions to the EACJ

⁸⁸² OSJI, p. 3-5; EACJ, 2010. *Court Ruling, Ref. No. 3, of 2010* (29 June 2011). Arusha: EACJ, p. 2 and 4

⁸⁸³ EACJ, p. 2 & 4

directive, decision or action complained of, or in the absence thereof, of the day in which it came to the knowledge of the complainant, as the case may be.”⁸⁸⁴ The plaintiff claimed that these violations dated from 2006. (ii) The EACJ had no jurisdiction on human rights issues. Court overruled the objection on time limitations:

... The matters complained of are failures in a whole continuous chain of events from when the alleged violations started until [a time when] the Claimant decided that the Republic of Kenya had failed to provide any remedy for the alleged violations. We find that such action or omission of a Partner State cannot be limited by mathematical computation of time. We accordingly overrule this objection.⁸⁸⁵

The case was not time-barred amidst a “continuous chain of events”. Court’s First Instance Division also heard the case despite the defence’s objection on human rights jurisdiction. The defence held that the SMDL rebellion was an intrastate security issue. The alleged human rights violations occurred amidst threats to Kenya’s internal security in which the EAC would not have been involved. The defence also held that Kenyan officials—Internal Security Minister; Chief of General Staff, Kenya Defence Forces; and Commissioner-General of Police—were employees of Kenya: only the Attorney-General could be sued. Court struck these respondents off the reference “with costs.” It ruled “that there are no allegations or complaints against” the EAC and struck the Secretary General off the reference—again “with costs”. This absolved the EAC of any responsibility.

However, the EAC had not been struck off, “with costs”, from previous cases that also involved human rights complaints from within states: Katabazi and 21 others vs. Uganda; and Rugumba vs. Rwanda. Declarations as to costs had also been made as against accused states. Thus, the EAC was not expected to participate in addressing rebellions in partner states let alone address human rights issues arising in the context of such conflicts. Court finally ruled that the security issue fell within the powers of a sovereign state.⁸⁸⁶ The defendant also appealed against the First Instance Division’s insistence on jurisdiction and time limitations.

884 Treaty, Art 30(2)

885 EACJ, p. 10

886 Wilbert T. Kaahwa, *Interview*, Arusha, 21 Sept. 2012

The Appellate Division reversed the First Instance Division's decision on time limitations. The lower court's decision was "*inadmissible due to time limitation*" in line with Article 30(2) of the Treaty.⁸⁸⁷ If the IMLU claimed that Kenya's failures lasted at least one-and-half years before it filed the case, then the two months stated in Article 30(2) had started then. Further, the First Instance Division "had failed to adequately address the question of jurisdiction."⁸⁸⁸ The IMLU applied for a judicial review of the Appellate Division's judgment but *lost again*: Court rejected the application for review. It seems the EACJ was constrained: Court's jurisdiction over the interpretation and application of the Treaty "shall not include the application of any such interpretation to jurisdiction conferred by the Treaty on organs of Partner States"⁸⁸⁹, a jurisdiction security agencies acquire under the principles of political independence and non-interference in states' internal affairs. Besides, disputes to which the EAC is a party "shall not on that ground alone be excluded from the jurisdiction of national courts of Partner States."⁸⁹⁰

In essence, both regional and national courts can judge the same case simultaneously. This provision may breed competition and confusion in case of contradictory verdicts from simultaneous national and EACJ judicial processes. Which ruling would be respected? Since the EACJ is not a supra-state judicial agency, states' judicial decisions would take precedence.⁸⁹¹ In the SMDL case the EACJ relied on the Treaty, which limits Court's mandate and creates competing jurisdictions with national courts. Given these limitations, it was difficult for Court to overrule Kenya's use of independently-constituted authority structures for counterinsurgency operations or independently investigate human rights violations thereto related.

The legal Counsel to the Community, Wilbert T.K. Kaahwa, revealed to me that Court's judgement highlights that affected states should manage intra-state conflicts and handle complaints related to their measures. The EACJ's decision, he argued, reflects respect for state sovereignty and non-interference in domestic affairs for

887 EACJ Appellate Division, *Appeal No. 1 of 2011* (15 March 2012)

888 OSJI, p. 4

889 Treaty, Art. 27(1)

890 Treaty, Art. 33(1)

891 Exception–interpretation and application of the Treaty–Art. 33(2)

the issue fell within Kenya's sovereign jurisdiction.⁸⁹² First, Kenya had the legitimacy to plan and conduct counterinsurgency operations without involving external actors under its sovereign right of "rule making and rule enforcement" that reflect its "decisional autonomy" and authoritative "control".⁸⁹³ Second, any party dissatisfied with how Kenya handled the conflict would sue Kenya's agencies in Kenyan courts first. This upholds states' authority structures and limits EAC organs' influence on them. It is unclear why the IMLU did not sue in Kenyan courts. Apparently, to the IMLU respect for state sovereignty trounced [hopes of regional] justice: had claimants sufficiently trusted Kenya's security and judicial governance they would not have sought the EACJ's redress.

However, to the IMLU's discovery, the EACJ is constrained by states' sovereign prerogatives in the Treaty. By absolving the EAC from the case, the EACJ positioned the RO in a non-competing relation with states and by implication upheld state autonomy in managing human rights violations related to states' counterinsurgency measures. This, I earlier argued, distinguishes the case under study from previous human rights cases. The EACJ could not decide that the EAC should have been involved in addressing the conflict, or question Kenya's autonomous control over its security realm. It could not hold Kenya to account for actions/inactions that fell within the institutional (judicial, political, security) competence of a sovereign state as spelt out in the Treaty.⁸⁹⁴

The petitioner lost the case in three instances: (i) Court absolved the EAC and struck Kenyan officers from the reference "with costs". (ii) Court upheld Kenya's sovereign authority to handle the issues complained of, curtailing possibilities of EAC-level responses to intrastate security issues. (iii) The Appellate Division insisted on time limitation and jurisdiction, which the lower Court had overruled. Yet insecurity makes it difficult for timely, independent, civilian investigations to acquire evidence barking a complaint from conflict areas.

892 Kaahwa, *Interview*,

893 Thomson, p. 230 Litfin, p. 181

894 Article 30(3)

I make three observations from this case. First, the IMLU expected the EAC's involvement in partner states' internal security affairs and human rights. This indicates public hopes in the EAC's role in handling internal security. Yet, states limit the EAC's mandate to avoid it overruling state agencies. The EACJ, for instance, is limited to advisory, interpretation, and arbitral roles, "*and any such jurisdiction that may be conferred upon it any time by the Council of Ministers.*"⁸⁹⁵ Since ministers are part of national executives, the EACJ lacks judicial independence that theoretically obtains under the principle of separation of powers. Perhaps states feared irritations with its judicial autonomy, thus limiting it non-sensitive roles. The EACJ could not but uphold the RO's founding principles of respect for state sovereignty and "self-determination" in its verdict.

Walzer writes: "A state is self-determining even if its citizens struggle and fail to establish free institutions, but it has been deprived of self-determination if such institutions are established by an intrusive neighbour. The members of a political community must seek their own freedom, just as the individual must cultivate his own virtue. They cannot be set free, as he cannot be made virtuous, by any external force... the armies of another state are most unlikely to produce" the necessary freedom and self-determination.⁸⁹⁶ The EACJ's judicial opposition to pro-cooperation voices resonates with states' desire to remain self-determining.

The EACJ has not dared states on other security issues on which they cooperate: nothing related has been raised in Court. I cannot tell whether it would have had similar difficulties in a case involving terrorism, SALWs, or other issues on which states cooperate. Thus, I cannot speculate the Court's consistent reluctance to impinge on states' meta-political authority across security issues. However, respect for states' ultimate political authority concurrent with cooperation on terrorism and SALWs proliferation "in a manner that does not threaten or fundamentally challenge the existing status quo regarding state sovereignty"⁸⁹⁷ is observable (Chapter 5).

⁸⁹⁵ Ruhangisa, p.14. My emphasis.

⁸⁹⁶ Michael Walzer, 1977. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. New York: Basic Books, p. 87

⁸⁹⁷ Heilman

John Eudes Ruhangisa, the Court's Registrar, identifies sovereignty-related challenges facing the EACJ that are useful for grasping the political-sovereignty basis of Court's judicial opposition to pro-cooperation voices: the EACJ's dependence on Council for conferral of jurisdiction; "*slowness of the process of... extending the Court's jurisdiction to appellate and human rights*"; and states' reaction to previous rulings by amending the Treaty and limiting Court's mandate.⁸⁹⁸ States were reluctant to extend Court's jurisdiction: first, because they have poor human rights records; second, they previously experienced piercing judgements from the Court as shown earlier. Rwanda was mentioned consistently on this issue.⁸⁹⁹ Instead, states established "quasi-judicial bodies or mechanisms with the same mandate as the EACJ" to further limit its mandate, make it redundant, and cause conflicting decisions in the Community.⁹⁰⁰ Even if jurisdiction were extended, I argue that human rights issues related to rebellions would remain difficult to judge for they are linked to "sensitive internal issues of a political nature" and occur amidst intrastate insecurity, which complicates their investigation when a state is the violator.

The second observation: EAC officials understand the tension between their mandate and states' attempts to remain self-determining by restraining EAC institutions. Here lies the paradox of interdependence that Stein alludes to. Ruhangisa calls states' tendencies to remain self-determining "*No Jurisdiction' and 'Sovereignty' syndromes*."⁹⁰¹ He decries Attorneys-Generals' insistence that the EACJ has no jurisdiction over several issues, including human rights and security. When the EACJ insisted on judging human rights cases from Uganda and Rwanda states retaliated: they amended the Treaty "to categorically state that *'the Court shall have no jurisdiction under this Article where an Act, regulation, directive, decision or action has been reserved under this Treaty to an institution of a Partner State'*."⁹⁰² Security and human rights are "reserved" for states' institutions. For Ruhangisa, "It appears that the Partner States still wish to remain sovereign while they subscribe to the

⁸⁹⁸ Ruhangisa, p. 26

⁸⁹⁹ Confidential. *Interviews*, East Africa, August-December 2012.

⁹⁰⁰ See Article 41(1)-(2); Regulations 5-6; and annex IX of the Customs Union Protocol on these mechanisms; and similar mechanisms in the Common Market Protocol.

⁹⁰¹ Ruhangisa, p. 32

⁹⁰² Ruhangisa, p. 33; Treaty (amended) Art. 27(1)

integration objectives that require them to cede a certain amount of their Sovereignty.”⁹⁰³ Ceding “a certain amount of sovereignty” is a sovereignty bargain. His insistence that “Partner States cannot eat their cake and at the same time demand to have it”; and that “Some of the issues which appear to be sensitive at national level may be less sensitive at regional level”⁹⁰⁴ reflects these tensions.

I am convinced sensitivity “at national level” created incentives for designing an institutional-legal framework within which the EACJ’s opposition to cooperation on rebellions becomes intelligible. States’ limitations are not sufficient grounds for granting regional structures sovereignty-eroding mandates: “States don’t lose their particularist character merely by acting together [for instance via the EACJ]. If some governments have mixed motives, so do coalitions of governments. Some goals, perhaps, are cancelled out by the political bargaining that constitutes the coalition, but others are super-added; and the resulting mix is as accidental with reference to the moral issue as are the political interests and ideologies of a single state.”⁹⁰⁵ In the SMDL case, the EACJ already knew states’ sovereignty-related concerns about its jurisdiction and mandate. It had witnessed a Treaty amendment on this matter as Ruhangisa reveals. Thus, Court’s judicial opposition to voices demanding cooperation on rebellions is more than legal: it upheld Kenya’s/states’ meta-political authority.

Finally, respecting human rights in armed-conflict areas, while addressing armed rebellions, is intricately linked to intra-state security. Handling such violations cannot be separated from managing the rebellion that initially evokes such violations. Therefore, the SMDL case underlines the difficult balance between counterinsurgency responses to armed contestations against constituted state authority and states’ respect for human rights amidst such contestation. Human rights in the context of insurgency and counterinsurgency measures are linked to internal security and become distinctively critical-sovereignty issues. This issue forms the core of the debate

903 Ibid, p. 33. Treaty, Article 30(3)

904 Ruhangisa, p. 33

905 Walzer, *Just and Unjust Wars*, p. 107

between legalists and realists who oppose intervention on grounds of power and sovereignty, and moralists who support it on grounds of *grave violations* of human rights, intervention to protect the innocent or uphold morals of a common humanity. There are, however, practical difficulties of balancing moral rectitude, legal authority, and political self-interest on the part of the interveners.⁹⁰⁶ The SMDL case combines both intrastate security and human rights—two intricately linked issues that evoke high-level SCs because they involve states' autonomy, control, and legitimate monopoly of violence. The EACJ is not unaware of these dynamics given its experience, mandate, prevailing perceptions and beliefs about transnational rebellions, and its relation to Council. In the next section, I analyse Council's silence that stymied EALA efforts on rebellions.

Beyond the EACJ: The ICC Debate in East Africa

States' desire to retain their judicial autonomy is not limited to the EACJ. There is a contentious relationship between states and international arbitral tribunals and other judicial institutions, such as the ICC and ICJ. The debate about the ICC in East Africa raises questions about whether states in the region should strengthen the regional court, national courts, or remain immune against the ICC. There is also a general perception in Africa that the ICC has been used against African criminals while non-African criminals who have records of war crimes, crimes against humanity, mass murders, and other crimes, have not been indicted at the ICC.⁹⁰⁷

The most interesting component of the debate is the post-2007 elections violence in Kenya. Following highly-contested presidential elections, in which the incumbent, Mwai Kibaki; and his opponent, Raila Odinga, both claimed victory, ethnic violence erupted. Odinga's co-ethnic Luo combined with some Kalenjin and other groups and attacked Kibaki's co-ethnic Kikuyu and their supposed allies. Hundreds of thousands were displaced. Some

906 Jack Donnelly, 1985/2012. *Universal Human Rights in Theory and Practice*, 3rd Edn. Ithaca and London: Cornell University Press; Terry Nardin, 2002. 'The Moral Basis of Humanitarian Intervention.' *Ethics and International Affairs*, 16 (2):57-70

907 Ugandan's LRA rebel leader, Joseph Kony, Sudan's President Omar Hassan al-Bashir, Kenya's President Uhuru Muigai Kenyatta and his Vice, William Ruto, the late Libyan president, Muammar Gaddafi, and President Laurent Gbagbo of Ivory Coast, and Congolese, Central African Republic, Sudanese/Darfur warlords have been indicted, yet Syria's al-Asad, terrorist leaders in northwest Asia, and other well-known criminals in other parts of the world have not been indicted. [18 October 2014: see - http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/Pages/situations%20and%20cases.aspx]

fled to neighbouring countries. An estimated more than 1,500 people were killed.⁹⁰⁸ Leading participants in the conflict, Kibaki and Odinga, were not the subject of ICC indictment and investigation: instead, their supporting agents—Uhuru Kenyatta and William Ruto—were the ones targeted in a strange case of judicial responsibility.⁹⁰⁹ It remains unclear why the ICC left out the leading contenders and targeted their agents.

However, it has been claimed that some western powers—particularly Britain and the USA—targeted Kenyatta to prevent his ascendance to Kenya's top political office. To their disappointment, and following their apparent disappointment at his clearance to contest in the presidential election, Kenyatta was overwhelmingly elected in 2013.⁹¹⁰ Some leaders in the region reason that the ICC is being used to witch-hunt some African leaders who take independent positions on contentious international issues or resist foreign interference in states' internal governance processes.⁹¹¹ They reason that "The pushers of the hegmonistic agenda have been misusing the ICC..." for their selfish interests like preventing stronger and more united African voices in international affairs and sabotaging the growing Afro-Asian ties, and "in the matter of President Uhuru Kenyatta, the African Union Assembly of Heads of State resolved that no African sitting President should be summoned by that court." Yet the UN Security Council "did not see much merit in the collective wisdom of the African leaders; and the court summoned President Kenyatta on the eve of our [AU] Summit" in Kampala in October 2014.⁹¹²

908 Republic of Kenya, 2008, *Report of Commission of Inquiry into Post-Election Violence* (Justice Philip Waki Commission Report), Nairobi; Sarah Jenkins, 2012, 'Ethnicity, Violence, and the Immigrant-Guest Metaphor in Kenya', *African Affairs*, 111 (445):576-596

909 ICC, 2011. The Prosecutor v. William Samoei Ruto and Joshua Arap Sang, ICC-01/09-01/11. 2011. The Prosecutor v. Uhuru Muigai Kenyatta, ICC-01/09-02/11. The Hague: ICC

910 Gabe Joselow, 2013 (February 07). US Official Says Kenya's Elections Have 'Consequences'. *Voice of America* (<http://www.voanews.com/content/us-official-says-kenya-elections-have-consequences/1599063.html>, 19 October 2012); Abayomi Azikiwe, 2013 (13 March). 'Kenyatta wins Kenya elections: Pressure from U.S., Britain and ICC backfires'. *Workers' World*. (2014<http://www.workers.org/articles/2013/03/13/kenyatta-wins-kenya-elections-pressure-from-u-s-britain-and-icc-backfires/>, accessed 19 October); Yoweri Museveni, HE. 2013 (10 April). *Speech at the Inauguration of President-elect, Uhuru Muigai Kenyatta*, Nairobi.

911 Museveni, Speech on the Inauguration of Kenyatta. Also see Kenyatta's Inaugural Speech (accessed 19 October 2014, from <http://kenyanvoice.com/2013/04/17/president-uhuru-muigai-kenyattas-first-speech-to-parliament/>)

912 Yoweri Museveni, HE. 2014 (9 October). Presidential Address On the Occasion of Uganda's 52nd Independence Anniversary Celebrations, Kampala, p. 8

While some commentators reason that African leaders are opposing the ICC to prevent their being held accountable for crimes that are prosecutable at the ICC, it cannot be disregarded that they sought to provide Heads of States beyond themselves the immunity from prosecution as is the practice in many countries. The fact that ICC operations in Africa remain questionable goes beyond leaders' expression of personal fears. It has indicted Bashir yet Sudan is not a signatory to the Rome/ICC Statute. African states had supported the ICC Statute, as Museveni reveals, but it appears specific African leaders are being targeted yet Africa is not the only region opposed to the ICC or having criminals. Singapore, like the USA, is not a Signatory to the Rome Statute. One of the justifications for opposing the ICC in the USA is on grounds of sovereignty.⁹¹³

It is less convincing to maintain that leaders of these countries—and not states—are fearful of the ICC but that in Africa it is reducible to leaders and not states. Indeed, when Kenyatta was going to appear to the Status Conference at the ICC he took the “extraordinary and unprecedented step of invoking Article 147(3) of the Constitution”: he issued a legal notice appointing his Deputy President, William Ruto, as Acting President while Kenyatta was at The Hague. This was intended, he maintained, “to protect the sovereignty of the Kenyan Republic.” Thus, Kenyatta appeared in The Hague not as a Head of State but as an individual. The state and the leader were thus separated. Appearing as a president, he argued, would put the “sovereignty of Kenya (and/or) 40 million Kenyans” at risk. This indicates emphasis on Kenya's, not individual or sectional, interests.⁹¹⁴

Handing over the reins of power voluntarily was unprecedented. It revealed leaders' emphasis on the collective good—state sovereignty—as opposed to personal or sectional interests. This is because Kenyatta might not have been sure that his Deputy, Ruto, would not stage a palace coup and replace the president while Kenyatta was in The Hague. This agrees with my view that states would not allow the ICC to jeopardise their sovereignty. The

913 Bolton; Byers and Nolte; Rabkin

914 *Daily Nation*, 2014 (Monday, 6 October). 'Uhuru Kenyatta hands over power to William Ruto ahead of ICC date'. Nairobi: *Daily Nation* (<http://mobile.nation.co.ke/news/Uhuru-Kenyatta-William-Ruto-Handover-Power/-/1950946/2477524/-/format/xhtml/-/now0wp/-/index.html>, accessed 19 October 2014)

observed resistance to the EACJ's judicial advances against states' judicial structures is also observable with the ICC. These observations make this study generally applicable beyond the EACJ and to other international institutions. The EACJ's judicial opposition reinforced Council's purposeful silence that stymied cooperation on armed rebellions in the EAC notwithstanding consistent demands to the contrary.

NON-BARGAINING II: PURPOSEFUL SILENCE – UGANDA'S LRA REBELLION.

The EAC ignored, stymied, and marginalised other civil society and the EALA's demands for regional solutions to Joseph Kony's LRA armed rebellion in Northern Uganda. The most important civil society group here was the Acholi Religious Leaders' Peace Initiative (ARLPI). A combined effort of religious leaders from different denominations in Northern Uganda for peaceful resolution of the conflict, the ARLPI used preaching, lobbying, advocacy, and peace talks. Its advocacy extended beyond Government and the LRA: it engaged different international actors, including the EALA. Since it appealed to EALA members in vain, its efforts morph into the EALA's attempts. I address both these efforts under purposeful silence hereunder.

In 2003, the ARLPI initiated peace-talks between Government and the LRA through a lengthy process not worth elaboration here. International actors were involved in the peace-talks.⁹¹⁵ But the EAC was not involved in the talks though ARLPI leaders requested the EALA's help. When EALA members visited northern Uganda in 2003, they met, among others, "Bishops, and they gave us their views about how to solve this problem."⁹¹⁶ Hon. (Rtd Lt Gen) Abdulahhi Aden recalls religious and civil society efforts, which morphed under the ARLPI, to involve the EAC in ending the conflict.⁹¹⁷ According to EALA's Hon. Kalonzo Musyoka, "the churches were crying out

915 ARLPI, 2009a. *African Union Summit on Refugees and IDP's*, Kampala, 19-21 October; 2009b. 'Juba Peace Talks: Religious Leaders in Peace Resolution to the Conflict', (Online: <http://www.arlpi.org/juba-peace-talks>, Accessed 20 Nov. 2012); 2010. 'Open Letter to President Barack Obama Regarding the "Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (S.1067/HR 2478)"' (from <http://www.arlpi.org/draft-pen>, 9 June 2012). Gulu: ARLPI

916 Hon Vonji-Odida, *EALA Debates*, 20 May 2003, p. 37

917 *EALA Debates*, p. 39; ARLPI; Apuuli P. Kasaija, 2006. 'Civil Society and Conflict Resolution: The Role of the Acholi Religious Leaders Peace Initiative in the Northern Uganda Conflict.' 7th Annual Conference of the International Society for Third Sector Research, Bangkok, 9-12 July (http://www.istr.org/resource/resmgr/working_papers_bangkok/kasaija.apuuliphillip.pdf, 5 June 2014)

there and the bishops want to hear what this Assembly is able to do”.⁹¹⁸ The ARLPI raised a pro-cooperation voice when it requested the EALA to bring the LRA rebellion to the EAC security agenda.

Although the EAC remained aloof, the ARLPI continued advocating peace-talks between 2003 and 2008. It engaged the St Egidio Community of Rome; Washington Okumu, a renowned Kenyan diplomat who, in 1994, had mediated in the South African conflict; the United States; one Michael Mandela; South Sudan’s government; the AU; and the UN. When Kampala accepted to hold peace talks ARLPI officials oscillated between Kampala and rebel bases in the DRC jungles. The ARLPI’s passionate oscillators between these ends included religious leaders under the leadership of the Catholic Arch-Bishop, John Baptist Odama.⁹¹⁹ As peace efforts progressed, the UN and AU appointed former Mozambican president, Joaquim Alberto Chissano, as a high-level representative to the Juba peace talks. Chissano had changed the war-torn Mozambique into a developmentally promising and peaceful democracy by 2005 when he retired.⁹²⁰ The talks, mediated by South Sudan’s Vice-President, Salvar Kiir, began in 2006 and ended in 2008. But Kony avoided signing the final agreement. The talks did not end the war. But they reveal the ARLPI’s attempt to involve the EAC in resolving the conflict.⁹²¹

Ironically, the EAC had no representative/observer to the Juba peace talks.⁹²² Nothing shows that the EAC was involved or sought to get involved and was rejected by any of the parties to the conflict. Instead, there is evidence of the EAC’s inattention to these demands. I already highlighted that EAC partner states express no explicit

918 *EALA Debates*, 20 May 2003, p. 44

919 ARLPI, 2008, ‘Religious Leaders Role in Peaceful Resolution of the Conflict’: Report of the Reflection Workshop on the Juba Peace Talks, for Religious and Cultural Leaders of Acholi Sub-Region, held at Ker Kalkwaro, Gulu: ARLPI

920 The 1992 Peace Agreement <http://www.incore.ulst.ac.uk/services/cds/agreements/pdf/moz4.pdf>, 12 Oct. 2013); Carrie Manning, 2002. *The Politics of Peace in Mozambique: Post-conflict democratization 1992–2000*. Westport, CT and London: Praeger

921 ARLPI; *EALA Debates (Hansard)*, 20 May 2003, p. 37

922 GoSS, 2006. *Agreement on Cessation of Hostilities between the Government of the Republic of Uganda and the Lord’s Resistance Army/Movement*; 2008a. *Agreement on a Permanent Ceasefire*; 2008b. *Agreement on Implementation and Monitoring Mechanisms*, Juba: GoSS. Foreign dignitaries witnessed these agreements: Riek-Machar Teny Dhurgon, PhD, Chief Mediator (GoSS); Joaquim Alberto Chisano, UN special Envoy of the Secretary General for LRA-affected Areas; Andre M Kapanga, PhD (DRC); Japheth R. Getugi (Kenya); Nsaviye G. Ndatta (Tanzania); Lebeko Ramano (South Africa); Heidi Ohansen (Norway); Anna Sandstrom (EU Special Representative, GLR); Bryan E Burton (Canada); Timothy R shortly (Senior Advisor to Assist. Secretary of State, *African Affairs*, USA). None of these represents the EAC.

commitment to cooperate on rebellions: there is hardly mention of this in security protocols. Absence of regional commitment implies that the EAC has no institutional benchmark for initiating and mediating peace talks between rebel groups and governments.⁹²³ As I show below, the EALA failed to induce institutional and structural changes in the EAC that would be necessary for cooperating on rebellions.

THE EALA'S FRUSTRATIONS

We cannot leave this matter in the hands of the Government of Uganda alone. We have a role to play as well. One may ask what the need for cooperation is if this sort of thing is allowed to continue in northern Uganda... Our efforts to create a Federal East Africa will come to naught if northern Uganda continues to be a no go area. Like both Nkrumah and Nyerere, we must take active part in the efforts to resolve this conflict. We do not have much choice about that.

(Hon. Dr Harrison Mwakyembe).⁹²⁴

States signed the 1999 EAC Treaty, the 1998/2001 defence MoU, developed the EAC peace and security strategy, and later defence and peace and security protocols, at a time transnational rebellions prevailed in the region. Hence, rebellions' exclusion from the common agenda, and later protocols, was intentional. I found no evidence of states discussing rebellions during negotiations, indicating purposeful silence. I sought to know why. Informants repetitively referred to the issue's "sensitivity". The EALA's attention to the issue did not break this silence. Its experience accentuates decision makers' purposeful silence about rebellions. It seems states feared the difficulty of cooperating on rebellions without eroding states' meta-political authority, making this "sensitive internal" issue "of a political nature" a "no jurisdiction" area for the EAC.⁹²⁵ Similarly, emotional promises of EALA members, like Calist Mwatela, Kate Kamba, Beatrice Shellukindo, Harrison Mwakyembe and others, that "the people of East Africa would definitely do something to bring to an end the suffering of the people of Northern Uganda", did not go beyond "the usual mere political talk."⁹²⁶ The view that "*Uganda as a country has done all*

923 Status of Forces Agreement between the Partner States of the EAC, Article 1; Defence MoU & Protocol

924 *EALA Debates*, 20 May 2003, p. 28

925 EAC/SHS13/2011, Appendix IX, p. 15; Ruhangisa, p. 32

926 *EALA Debates*, 20 May 2003, p. 25

that it could do, and it is now time to give peace a chance through the region” did not break decision makers’ intransigence rooted in “the [perceived] very seriousness of the undertaking.”⁹²⁷

The EALA’s Committee on Regional Affairs and Conflict Resolution pressured states to establish EAC-level institutional structures for handling armed conflicts. It requested for a Summit meeting in Gulu, Northern Uganda, over the LRA rebellion following its members’ visit to the region. But the Summit held after the EALA’s resolution sat in Kampala.⁹²⁸ Nothing followed the Summit. The EALA also resolved on a regional mechanism for handling intrastate conflicts following the 2007/8 Kenyan post-election crisis. To the EALA’s frustration, the EAC never acted in both these endeavours. I detail below how this process unfolded.

The Unfolding of the EALA’s Fruitless Engagement

In June 2002, the EALA’s Hon. Daniel Wandela-Ogalo (representing Uganda) sought to spearhead an East African response to the LRA rebellion and similar conflicts. He suggested the creation of a regional authority structure, “a body in Arusha which would be capable of resolving conflicts arising in the region, and therefore pushing the integration agenda forward.” The envisioned agency would perhaps muster the causal and historical dimensions of “internal security issues of a political nature”. The agency would comprise of eminent persons akin to UN and AU Panels of Eminent Persons. These would include retired presidents in the region.⁹²⁹ Ogalo’s motion received mixed reactions: members “decided to pull back from it and each one I approached said ‘Ah, *bwana*, that thing is too hot; you leave it first’... members of the Assembly told me, ‘Ah, *bwana* Ogalo, *acha maneno yako*; your president does not want this thing, but you want to push it, what’s your agenda?’”⁹³⁰

927 Jared Kangwana, *EALA Debates*, 20 May 2003, p. 41; and Mabere Marando, p. 42

928 *Interview*, EALA/T/01, Nairobi, 18 Aug. 2012

929 Kenya’s Daniel Arap Moi, Tanzania’s Benjamin Mkapa and al-Hassan Mwinyi, and Uganda’s Yoweri Museveni (expected to retire in 2006. A constitutional amendment allowed re-election thereafter, and in 2011).

930 Wandela-Ogalo, 2008 (21 Feb), *EALA Debates/Hansard*, p. 33-34.

It appears some EALA members feared to engage Heads of States on rebel conflicts. Others seemed to know that states do “not want this thing”—creating an intergovernmental agency superintending states’ security agencies—and that it would clash with states’ sovereignty concerns. This bereft the EAC of a framework for addressing armed conflicts. Transnational rebellions are armed conflicts whose resolution Ogalo was concerned with: the Panel would address these peace-eroding conditions. Whether the suggested body mandate might have been limited to resolving only intrastate conflicts is beyond my speculation. Even if its mandate would broaden to intrastate, inter-state, extra-state, transnational, non-state and other conflicts, it was raised in response to an ongoing rebellion. I analyse it thus. Ogalo’s suggestion would have unveiled sovereignty: “there must be a mechanism which can pull those bad people back and tell them that you cannot go beyond this; your badness should stop here, so that people can live in peace.”⁹³¹ He pled the EALA, Council, and Summit to “give serious attention” to the issue. It is unclear if the manner in which the EALA proposed these bodies—having a wide mandate “capable of resolving conflicts arising in the region”—made them appear to threaten states’ sovereign rights, or whether the EALA overstepped its mandate seemingly “ordering the Heads of States to do certain things”⁹³², thereby evoking Council’s silence. Even if states felt the proposed regional bodies threatened states’ meta-political authority or that the EALA made overt threats to sovereignty, this underscores tensions between states’ sovereign rights and cooperative security. Members’ caution dragged the idea in the Assembly.

After the June 2002 debate more engagements followed. In March 2003 members of the Regional Affairs and Conflict Resolution committee toured Northern Uganda. Apparently Ogalo had broken down some members’ reservations. Unparalleled in the EAC’s history, its Assembly engaged the partner state on its armed conflict. The tour aimed to assess the security situation; appreciate the extent of human suffering resulting from the LRA rebellion; and find ways of resolving the conflict. The members sought audience with Museveni. Together with

⁹³¹ Ibid, p. 35. Who would be “bad”: rebel movement or government?

⁹³² Mabere Marando, *EALA Debates*, 20 May 2003, p. 31

Ugandan legislators from the north, Museveni accompanied EALA legislators to Gulu, Northern Uganda, where they met with local leaders. They found that “the bishops, sheikhs, and other opinion leaders had constituted themselves into a peace team”⁹³³—the ARLPI. They also “witnessed the terrible conditions under which the people affected by the conflict are living.”⁹³⁴ In the discussion “one of the honourable members did ask whether he [Museveni] would object to *peaceful moves being made by this House* toward a solution to the problems of Northern Uganda. The President was categorical that he was not opposed to any moves which will bring a solution to the problems in Northern Uganda.”⁹³⁵ Nothing followed this “categorical” nod.

By then peaceful solutions to this conflict had been fruitless. “Rebels had even murdered a peace emissary who had been sent by the Presidential Peace Team... when he was sending a message to Joseph Kony.”⁹³⁶ Previous peace efforts had been thwarted by the conflict’s transnational complexities and the involvement of Sudan, Iraq, and other foreign supporters.⁹³⁷ Uganda had granted amnesty in 2001 pardoning all surrendering and captured rebels in vain. Peace talks had been initiated in 1987-9, 1994, and 1997, but had all collapsed.⁹³⁸ How the EALA’s “peaceful moves” would differ from, and become more effective than, the aforesaid and those underlined in Chapter 4, remains unclear. But members asked Museveni to host a Summit in Gulu. This, they hoped, would give EAC top leaders a real-world feel of the situation and might provoke regional action.

Museveni always presents himself as the vanguard of the EAC’s revival, an ardent supporter of regional integration, and pan-Africanist. He promised to host the Summit in Gulu. EALA members had transcended initial fears, engaged a sovereign state on transnational armed rebellions. Contrary to reservations during the June

933 Marando, p. 30

934 *EALA Debates/Hansard*, 20 May 2003, p. 24

935 Mwatela, p. 26

936 Marando, p. 29-30

937 Dudu, p. 33-4

938 Briefing to UNSC: SC/2006/271, Annex I

2002 debate, the 2003 practical experience/encounter with reality in Northern Uganda apparently induced emotional transcendence of previous caution and emboldened the EALA to demand cooperation on rebellions.

The Assembly pursued the issue. An EALA session of 20 May 2003 debated a follow-up motion on the visit. The motion, again tabled by Ogalo, sought a Resolution requiring the Council to recommend to the Summit several measures. These included the appointment of a body of Eminent Persons forming an East African Peace Committee. The peace committee would include three appointees of the EALA Speaker. It would operate under terms of reference developed by the Council. A Summit-appointed technical team would assist the peace committee. Council was asked to give priority to the resolution, and to appoint an EAC “Permanent Peace Commission” with the Summit’s approval. Council would report to the EALA within one month of this Resolution.

Supporting the motion, Dr Harrison Mwakyembe was emotional: “It is a terrible situation. The message I am trying to pass across is that all is not okay in East Africa. East Africa is bleeding... It was the first time for some of us to realise that there is something serious happening in that part of East Africa. East Africa is bleeding!”⁹³⁹ EALA members had seen this “bleeding” for some of whom “it was the first time” to “realise” because sovereign entities insist on handling rebellions independently. A broadly-mandated East African Peace Commission, together with a Panel of Eminent Persons, would erase “the present situation of suspicion and mistrust that may arise out of any tendencies of exclusion”: the conflict would become an East African problem. Rebellions would become EAC-level security issues included on the common security agenda.⁹⁴⁰

Most members supported the motion. But some cautioned about SCs. Kate Kamba and Mabere Marando (Tanzania); Abdullahi Aden (Rt. Gen.), Jared Kangwana (Kenya) are on record: “the way the resolutions are proposed do call into issue the question of sovereignty of Partner States... this House has to be sensitive to that

⁹³⁹ Mwakyembe, p. 27

⁹⁴⁰ Ibid, 29

very important matter... in the full realisation of what this House can do and what it cannot do.”⁹⁴¹ Marando questioned the framing of one of the resolutions “purporting to give directions to the Heads of States, which I think, is not diplomatic, and out of mandate.” He cautioned against issuing resolutions “that may make people jittery that we are ordering them around... we should not be seen as ordering the Heads of State to do certain things”.⁹⁴² Legislators’ appreciation of the issue’s sovereignty-sensitivity informed this caution. In fact, Aden underscored sovereigns’ unwillingness to admit failure: “*I believe it is difficult for the Head of State to admit, even in a subtle way, that this is a problem that the whole nation of Uganda with all its resources and military might has been unable to solve for 17 years. It is sad that we in neighbouring countries have stood quietly for many years without doing anything, and I think it is time now for us to go in*”.⁹⁴³

The “neighbouring countries [had] stood quietly for many years” for states believed that the LRA conflict “always remained a Ugandan problem.” It appears the still-cautious EALA members knew of states’ belief that “members of a political community must seek their own freedom” and not rely on “an external force”, and/or “the armies of another state.”⁹⁴⁴ This notion of self-determination resonates with Jared Kangwana’s view that “we need to also request the powers that be, in a way that recognises their role, their position in society, and *the sovereignty of states*.”⁹⁴⁵ The contentious relationship between states’ meta-political authority and security cooperation was not lost to some EALA members. They too became participants in sovereignty bargaining even as they strove to circumnavigate purposeful silence on rebellions.

Responding to the motion, the chairperson Council of Ministers, and Uganda’s then foreign minister, James Wapakhabulo, referred members to Uganda’s unilateral initiatives—military and non-military—to end the war: “*the question of the conflict in northern Uganda has received attention in the Parliament of Uganda. Hon. Ogalo was*

⁹⁴¹ Kangwana, p. 42

⁹⁴² Marando, pp. 30-31

⁹⁴³ Abdullah Aden, *EALA Debates*, 20 May 2003, p. 39

⁹⁴⁴ Walzer, *Just and Unjust Wars*, p. 87

⁹⁴⁵ Kangwana, p. 42

there and so were other members who are here. We have had it discussed at various levels, by church groups, social groups, *but it has not been articulated in East Africa because it always remained a Ugandan problem, and a northern Ugandan problem...*⁹⁴⁶ This reflects the belief that states should handle rebellions by themselves. Ironically, what “*always remained a Ugandan problem*” by 2003 affected DRC, Sudan, and Uganda. Wapakhabulo reminded the Assembly about states’ sovereign stature while sounding supportive of the motion: “But now, given that this is an East African Assembly, this House can validly look into the matter... because here, the question of sovereignty does not arise as clearly stated... there is nothing we should fear... we do it as an East African institution, and say we identified a problem here and resolved it as East Africans.” He appeared to support the “peacemaking and conflict resolution” committee.⁹⁴⁷

It is unclear whether Wapakhabulo meant that in the context of EALA Debates the issue of sovereignty does not arise, or if it did not arise in the context of the LRA conflict the response to which, he stressed, had remained unilateral.⁹⁴⁸ I consider his response a show of diplomatic courtesy without commitment to practical intention and action. He promised the EALA that Council would bring the issue to the Summit’s attention. But I need to hypothesise his apparent support for the motion. Perhaps he was being simply rhetorical. Perhaps he later found difficulties with other Council members and/or his home government. I am puzzled by the divergence between Wapakhabulo’s verbal support for EAC-level responses to the LRA war and similar conflicts in East Africa on one hand, and Council’s silence I address later on the other. I believe, however, that international political phenomena are best measured basing on what states do, not what statespersons say unless political rhetoric is matched with concrete action. I surmise, still, that political sovereignty and territorial integrity are valuable rights of states that were not lost to him. This is why he stressed that the LRA conflict “always remained a Ugandan problem.” Compromising states’ meta-political authority, which they hold dearly, requires striking a

946 James Wapakhabulo, *EALA Debates*, 20 May 2003, p. 45. Emphasis intended

947 Wapakhabulo, p. 46

948 Unfortunately at the time of field research he had died. His successor, Eriya Kategaya, was already sick and died early 2013.

difficult balance between states' moral rectitude, the EAC's international-legal mandate, and its partner states' self-interests.⁹⁴⁹ These reflexions were inherent in the issue and the EALA debate. The EALA passed this resolution on 21 May 2003. Ensuing inaction proves my viewpoint here.

The Summit did sit in November 2003. Instead of Gulu it sat in Kampala, about 200 miles from Gulu. Heads of States neither experienced the situation in Northern Uganda nor made any commitment on the LRA rebellion. Nothing related to the rebellion arose from this Summit. A key informant said logistical constraints provided pretext for not holding the Summit in Gulu: hosting heads of states in a war-torn region required high-level security measures.⁹⁵⁰ Other informants believe Museveni was twofaced in promising EALA members, hence echoing Aden's view. It turns out that the EALA resolution, the items requested therein, and everything thereto related, were not included in the Summit agenda. A Summit in Gulu without the LRA war on its agenda would have been meaningless. Since then, no Summit resolution or any other relevant consensual decision has ever been made.⁹⁵¹ For a year after the May 2003 EALA resolution, Council did not respond. Yet, the EALA had resolved that Council responds in one month. Council had deliberately remained silent.

The EALA questioned Council's silence in its 24 November 2004 session. Hon Ovonji-Odida asked "Whether the Council of Ministers has indeed considered and discussed the resolution by this House on northern Uganda, and whether it has taken action on the specific recommendations made by the Assembly to follow up on the commitment made by the president of Uganda to seek an East African-led resolution of the conflict". Uganda's new foreign minister, Maj. Tom Butime, was chairperson Council of Ministers. Butime responded that *he was going to attend a Council meeting that afternoon and would find out if the issue had been included on the agenda!*

949 Donnelly, p. 259

950 EALA/T/01

951 Interviews, EALA/T/02; and EALA/P/01

Re-echoing his predecessor, Wapakhabulo, Butime reminded the EALA of Uganda's unilateral initiatives to resolve the conflict. He asked members to appreciate these endeavours.

Instead of directly opposing the EALA's demands, however, Butime avoided the question if one reads the *Hansard* between the lines. He claimed that ministers had been carrying out consultations over the issue: "Should we conclude those consultations, there is no doubt that this matter will appear as one of the items to be discussed by the Council of Ministers."⁹⁵² Two contradictions here: first, If Butime participated in "those consultations", he ought to have been aware of the issue's inclusion on the Council's agenda that afternoon even if he was not chairing the meeting. Second, if Butime knew that those "consultations" had not been concluded, he would have been forthright to the EALA that "consultations" were still on-going. Neither. He cautiously avoided the question by referring to inexistent 'consultations'. Proof of this claim follows.

The EALA's one-month deadline of May 2003 extended beyond one-and-half years—in silence. It was now pending the conclusion of "consultations"—which had never been communicated to the EALA—before it would then be discussed at Council level. The EALA would have had to wait longer. I found no record of such consultations. Even if they had been ongoing, I found no LRA-related decision, action, or ongoing process. No informant hinted at those consultations. Council had not updated the Assembly between May 2003 and November 2004 that it was making consultations, for which reason it would not meet the one-month deadline contained in the EALA resolution. Were consultations verbal? Did they involve classified information to which researchers are not privy? I argue that Council held no consultations for it did not communicate to the EALA until the Assembly demanded response one-and-half years later.

Finding no evidence of consultations, I am impelled to infer that Council was purposefully silent on rebellions as it had been during agenda-setting. If this inference holds true, then Butime's response was at best rhetorical, at

⁹⁵² *EALA Debates*, 24 Nov. 2004, p. 2-3

worst deceptive. Considering both Wapakhabulo and Butime's responses, in different EALA sessions, stressing unilateral solutions to the LRA rebellion, the "no jurisdiction" syndromes Ruhangia exposes, states' overt expression of desire to limit external actors' involvement in their security domains, and projection of the belief that states should handle internal policing independently, I argue that Council was intentionally silent.

Analytically, one could make three possible conjectures about Council's non-response to the Assembly's resolution. First, Council members forgot, for whatever reasons, to include the issue on the Summit's agenda. Second, the Summit, for some reason, had not responded to Council by November 2004 when the EALA demanded explanation for non-response. Finally, Council had deliberately not briefed the Summit about the resolution for it judged the LRA rebellion as a critical-sovereignty issue. Whatever the case, Museveni himself who had met with EALA members, Ugandan legislators, ARLPI and local leaders in Gulu knew/remembered this ongoing regional initiative. Save for the last conjecture, which agrees with most informants' opinions and evidence of which follows hereunder, no other conjecture is empirically demonstrable.

Instead, as Butime revealed, Council had not included the issue on the Summit's agenda. It did not report to the EALA "within one month" or even later. And in truth, Council was not "carrying out consultations" for it took Odida and Ogalo's EALA-level demands to hear of inexistent 'consultations'. In his response, Butime was emphatic on the role of the Commander-in-Chief in countering the insurgency. This shows states' belief that they should remain self-reliant in managing domestic-originated armed conflicts even when conflicts become transnational. To obtain corroborative evidence of this silence, I studied the EALA's subsequent security-related legislations, oversight, and regional tours. The EALA expressed frustration over Council's silence in 2008 when discussing Kenya's post-2007 election violence. This shows consistent non-bargains that had led to the exclusion of armed rebellions from the EAC security agenda. Some EALA members who had experienced the fruitless efforts of 2002-2003 were now less enthusiastic. I briefly illustrate this and link it back to the issue under discussion.

Relating the EALA's Engagement in Kenya with Non-Cooperation on Rebellions

The EALA's engagement in Kenya reveals the fate of its 2003 pro-cooperation resolution on the LRA. In December 2007, the EALA sent a "Goodwill Mission to Kenya". The country was holding presidential and parliamentary elections. Presidential election results were highly contested. Each side—the incumbent, Mwai Kibaki; and his opponent, Raila Odinga—claimed victory. Serious violence erupted, ethnic killings followed: Odinga's co-ethnic Luo together with some Kalenjin and other groups attacked Kibaki's co-ethnic Kikuyu and their supposed allies. Hundreds of thousands were displaced, some fleeing to neighbouring countries. An estimated more than 1,500 people were killed; property destroyed; and access to Mombasa port blocked for landlocked EAC states of Uganda, Rwanda, Burundi, as well as eastern DRC.⁹⁵³

By February 2008, Kenya was in a governance and politico-security crisis having failed to address electoral contentions. What started as a domestic electoral conflict quickly transformed into ethno-political violence and acquired regional security and economic dimensions. To use Mwakyembe's 2003 reference to Uganda's LRA war, East Africa was *again* "bleeding."⁹⁵⁴ On 21 February 2008, the EALA debated the Goodwill Mission's report. The mission, headed by Hon. Dr. Fortunatus Lwanyantika-Masha, observed the polls and witnessed these post-election killings. The crisis retold the EALA's failure to inspire EAC solutions to civil conflicts since 2002. Masha would later tell me that there were no regional measures for handling existing rebel conflicts.⁹⁵⁵

The debate and recommendations of this EALA session highlight the Council's institutional influence, its effective silence that had stymied cooperation on rebellions, and its intransigence to subject intrastate security issues to regional solutions. Like before, the EALA took a more regionalist, pan-East Africanist stand than Council and

953 There is no exact figure/number on deaths. Republic of Kenya, 2008. Report of Commission of Inquiry into Post-Election Violence (Justice Philip Waki Commission Report). Nairobi: Republic of Kenya; Sarah Jenkins, 2012. 'Ethnicity, Violence, and the Immigrant-Guest Metaphor in Kenya.' *African Affairs*, 111 (445):576-596

954 Jenkins; EALA *Hansard*, 21 February 2008

955 Personal *Interview*, Mwanza, 24 Sept. 2012; EALA *Debates*, 21 Feb. 2008

perhaps the Summit. However, without mandate to compel Council, the Summit, or states to act, the EALA remained a toothless dog. Article 49(2) of the Treaty limits the EALA to making recommendations to Council on the Treaty's implementation.⁹⁵⁶ During this heated debate Hon Dan Kidega was "excited because nobody is going to misbehave in Rwanda, Burundi or Uganda, or anywhere else and think that the world is just going to sit back and watch."⁹⁵⁷ Nothing followed this excitement. Indeed, Ogalo reminded members of lack of "political goodwill to put in place mechanisms which can resolve conflicts." He related Kenya's situation to the LRA rebellion whereby "the leadership of the region did not rise to the occasion" amidst the EALA's efforts. Instead, he complained, Council "*took the resolution of the Assembly and threw them in the dust-bin*".⁹⁵⁸ Surprisingly, while Wapakhabulo had promised that the EALA Resolution was important,

"The Summit did sit in November 2003, but we did not see any outcome towards the formation of a Peace Commission for East Africa to resolve conflicts in our countries... Either the then Chairman, Council of Ministers, did not present it in the agenda of the Summit, or he presented it and the Summit thought it was not an important matter... There has been no sufficient political will to galvanise the Community into solving the problems of East Africa."⁹⁵⁹

Political goodwill, I argue, is a function of SCs that engender interstate bargains that influence cooperation outcomes. This should explain why some EALA members raised the issue of state sovereignty during their 2002, 2003, 2004, and 2008 debates in which cooperation on rebellions was discussed. I share Gen Aden's view that states are unwilling to admit failures in managing their domestic-originated security affairs at the risk of inviting external actors to govern states' affairs.⁹⁶⁰ In doing this, states may sacrifice morality at the altar of meta-political authority. Donnelly writes: "moral principles alone rarely determine [states'] political behaviour. International legal precepts regularly are interpreted with an eye to power" and to sovereignty.⁹⁶¹

956 Relate to Articles 59(3)(b) and 63(4). An EALA bill lapses once any Partner State refuses to assent to it.

957 Dan Kidega, *EALA Debates*, 21 Feb. 2008, p. 30

958 Ogalo, *EALA Debates*, 21 Feb. 2008, p. 32-33

959 *EALA Debates*, *ibid.*

960 Aden, p. 39

961 Donnelly, p. 259

This interpretation “with an eye to power” applies in instances where “international legal precepts”, such as security protocols, already exist, as it does to including security issues in these conventions. Where “legal precepts” do not yet exist, their evolution is informed by sovereignty bargains as observed in EALA Debates and its frustrations examined here. Where states fear that including critical-sovereignty security issues in these conventions endangers states’ ultimate authority, states eschew such commitments.

Post-the Cold War, state-defined grave circumstances or “just cause thresholds”—genocide, ethnic cleansing, crimes against humanity, war crimes—as recently-negotiable conditions when state sovereignty may give way to international responsibility to protect (R2) innocent civilians, remain contentious and objectionable.⁹⁶² This is more so when rebellions do not meet the high thresholds that states may—even reluctantly—agree with. These solidaristic actions are sometimes viewed as irrelevant, objectionable, and even dangerous as the AU’s objection to NATO intervention in Libya, 2012, revealed.⁹⁶³ This implies that “national and international orders” do suffer the costs of insecurity but hold on to their sovereignty. And “sovereignty is no guarantee of domestic well-being; it is merely a framework of independence within which the good life can be pursued and hopefully realised.”⁹⁶⁴

The pursuit and hope of realising “the good life” is echoed in Masha’s optimism. He appealed for EALA’s “repeated hammering of issues which are difficult to be acknowledged” because of their relationship to states’ sovereign-ness. He hoped that “Maybe someday those in power, those who have to make the decisions, will listen”⁹⁶⁵, assuring colleagues: “So, let us not despair because in 2003, you passed a resolution which appears to have been ignored. We are going to pass another resolution, hopefully, and let us keep doing it because I think this is the right direction to go and it makes a lot of sense for the people of East Africa.”⁹⁶⁶ Masha’s

⁹⁶² Donnelly.

⁹⁶³ Ruhakana-Rugunda, 2012. ‘African Union’s stand on NATO’s invasion of Libya’ (from <http://www.counterpunch.org/2011/06/22/its-time-to-end-the-bombing-and-find-a-political-solution-in-libya/>, 1 July 2014)

⁹⁶⁴ Donnelly, p. 259; Walzer; Carsten Stahn, 2007. ‘Responsibility to Protect: Political Rhetoric of Emerging Legal Norm?’ *The American Journal of International Law*, 101 (1):99-120

⁹⁶⁵ Fortunatus Lwanyantika-Masha, *EALA Debates*, 21 Aug. 2008, p. 36

⁹⁶⁶ Ibid.

revelation that the EALA's 2003 resolution "appears to have been ignored" indicates that Council stymied the EALA's efforts on the LRA rebellion using silence. Council's silence was purposeful because: (i) rebellions prevailed when states developed cooperation frameworks. Had states been intent at cooperating on rebellions, they would have included them in cooperation measures. (b) Council remained silent to voices demanding cooperation on rebellions within and without the EAC. Silence started from the initial processes of agenda-setting and continued throughout engagements with civil society and within the EAC itself. It was part and partial of bargaining. Were silence not purposeful Council would have acted on the EALA resolution.

In February 2008, the EALA resolved: (a) "The Community shall set a criteria and establish a mechanism to respond to situations of breakdown of peace in Partner states". (b) "EALA should commission an in-depth study into the underlying causes that led to the eruption of violence in Kenya, and as a practice should commission studies as and when they are required into any situation of potential conflict in any Partner State as a way of pre-empting conflicts".⁹⁶⁷ However, the EALA depends on Council's "political will" to effect its resolutions, not on legislative compulsion. The EALA, unlike national legislatures, cannot compel the executive–Council–to act. With a limited mandate⁹⁶⁸, the EALA remains ineffectual. To the EALA as to civil society, Council need only remain silent to avoid measures that infringe on states' ultimate authority. Ultimately, states are unwilling to cooperate on rebellions, their regional security implications (Chapter 1) notwithstanding.

Another example of transnational rebellions' regional security implications: On 22 April 2010, Hon. Leonce Ndarubagiye (Burundi) tabled "a motion for a resolution to accord special thanks to the United Republic of Tanzania for granting nationality to 162,000 Burundian refugees."⁹⁶⁹ Tanzania's act was applauded in the EALA. It indicates, as does the aforesaid Rwanda-Tanzania scenario, that intra-state insecurity translates into regional

⁹⁶⁷ Fortunatus Lwanyantika-Masha, 2008 (21 February), *EALA Hansard*, p. 37

⁹⁶⁸ Treaty, Article 49.

⁹⁶⁹ Leonce Ndarubagiye, *EALA Debates*, 22 April 2010, p. 36 & 40.

insecurity. If the EAC had effected the 2003 EALA resolution, by 2008 the Kenyan crisis might have been avoided. By 2010, possibly Burundian refugees would have returned voluntarily. Tanzania's advice to Rwanda would have occurred within an EAC/institutionalised context: it would not have led to diplomatic fall-out. Without concrete regional measures for addressing armed conflicts, such generous gestures remain that: gesticulations. The offer erodes Burundi's human resources its population density notwithstanding. But non-cooperation becomes logical given the security-issue-sovereignty-parameters relationship addressed in Chapter 4. This in no way implies that states are always effective in managing their security affairs. It only shows that once issues evoke high-level SCs states fear possible costs of cooperation to their meta-political authority.

Beyond – But Not Within – the EAC

Ironically, the EALA went ahead to expose insecurities in other countries beyond the EAC and to question EAC states' reluctance to regionalise response measures to their own insecurity. I have highlighted the irony of EAC partner states' contributions to, and involvement in, armed conflicts outside of the EAC.⁹⁷⁰ In Burundi, Tanzania offered citizenship to refugees. In Somalia, Uganda and Burundi, later Kenya, contributed troops to AMISOM but not under the auspices of the EAC, and not as Eastern Africa Standby Force provided for under the APSA. In Sudan the EALA got concerned, appealed to the international community, and Rwanda sent troops for the UN Mission in Darfur (UNAMID). In the DRC, Rwanda and Uganda intervened unilaterally, 1998-2003; today EAC partner states are involved in the DRC under the aegis of the ICGLR.

Hon. Mahfoudah Hamid (Tanzania) was puzzled by the irony of EAC states resolving extra-EAC conflicts when their societies are torn asunder by prolonged armed conflicts: "When I see our Heads of State acting as peace mediators for several countries outside East Africa, I feel ashamed. How can you go and clean a neighbour's house when yours is stinking?"⁹⁷¹ Hamid appealed for regional solutions to East African insecurity: "charity

⁹⁷⁰ Heilman

⁹⁷¹ Mahfoudah Hamid, *EALA Debates*, 20 May 2003, pp 31. *EALA Hansard*, 20-21 May 2003; 24 Nov. 2004; 21 Feb 2008

should begin at home.” This apparent irony becomes clear when one considers state collapse in Somalia; state failure in the DRC; and unilateral interventions in the DRC. Somalia and DRC were unable to resist intervention. International pressure was mounted against a then-uncooperative Sudan before the UNAMID was undertaken. Even then, the international community failed to accept Sudan’s Darfur crisis as genocide, denying itself the moral-legal grounds for intervening in contravention of Sudan’s sovereignty.⁹⁷² Somalia acquiesced to AMISOM: state collapse had exceeded the threshold of meta-political authority claims. The answer to Hamid’s bafflement is high-level SCs: states fear losing their meta-political authority in an attempt to cooperate on rebellions.

The same EALA Committee that travelled to Uganda is said to have travelled to southern Sudan where they witnessed bombings against civilian-inhabited areas in Kordofan. They issued press statements accusing Khartoum of bombing its civilian areas and called for international intervention. A key informant said that it was EALA’s call that gave rise to UN intervention: today’s UNAMID.⁹⁷³ I could not verify this claim. If true, it shows the irony that the EALA could effectively engage the international community but not EAC partner states on intrastate insecurity. The AU sent its first 150 peacekeeping forces to Darfur in August 2004 and increased to 7,000 in 2005. Then the UN Security Council “authorised a peacekeeping force of more than seventeen thousand” as the international community pressured Sudan over the violence.⁹⁷⁴

It remains curious, therefore, that the EAC did not officially observe, let alone mediate, the 2006–2008 LRA peace-talks in Juba.⁹⁷⁵ It seems the sovereignty-sensitive international community limits itself to clearly-specified “just cause thresholds” beyond which states “let in”.⁹⁷⁶ None of these applies to conflicts facing EAC partner states. Even amidst these conditions the community uses reactive R2P kinds of responses instead of preventive

⁹⁷² Donnelly, pp. 271-3

⁹⁷³ Informant, Nairobi, 19 August 2012

⁹⁷⁴ Donnelly, p 272

⁹⁷⁵ GoSS, Agreements between Uganda and LRA/M: 2006 & 2008.

⁹⁷⁶ Donnelly; Walzer; Nardin

measures the EALA pursued.⁹⁷⁷ The EALA sought structural and institutional changes which states were not ready for. Thus, the EALA's efforts in Kenya, like those in Sudan, reveal the intransigence of EAC partner states in handling their rebellions to preserve states' meta-political authority.

The EALA debate on its Good Will Mission to Kenya unearths further evidence that: the 2003 resolution on the LRA was ignored; the Summit sat after the resolution but did not discuss the LRA rebellion; there had not been political goodwill to cooperate on rebellions; some EAC actors, mainly in the EALA, were frustrated by states' unwillingness to cooperate on rebellions; that excitement regarding possibilities of EAC responses to rebel conflicts is immature; and that some EALA members remain optimistic about regional solutions to rebel conflicts considering Masha's optimism.⁹⁷⁸ What remains clear is that since security cooperation decisions involve sovereignty bargains, critical-sovereignty issues can hardly be subjected to normal bargains.

Rebellions, by their nature, evoke states' desire to persist under what I call "the pain of continuity." This is a situation whereby sovereign states eschew cooperation on critical-sovereignty issues but continue suffering the pains of insecurity for the sake of retaining their meta-political authority. Such suffering must reach a threshold, such as state-collapse or grave circumstances, or draw in interested states, before intervention occurs. This is where pro-intervention analysts tend to miss the point: they conflate interventionist crisis responses with states' acquiescence to norms and practices that may erode states' sovereign authority. And yet such interventions, as we have seen, are driven by motives that are neither mainly normative nor devoid of sovereignty considerations as experience from Somalia, Rwanda, Sudan, Syria, Libya, and DRC reveals.

How, then, do we grasp interventions in peacekeeping, humanitarian interventions, and R2P?⁹⁷⁹ The answer is multipronged: First, intervention may follow state collapse/failure that threatens other states' security, as did

977 Stahn, 'Responsibility to Protect'

978 EALA Debates, 21 Feb 2008

979 Devon Curtis, 2012. 'The International Peace-building Paradox: Power Sharing and Post-Conflict Governance in Burundi.' *African Affairs*, 112 (446):72-91; De Waal; Nardin

Somalia/DRC respectively. Second, after serious bargains with, and pressure upon, affected states, IOs may intervene as did occur in Darfur/Sudan: the community of states must determine that the situation “continues to constitute a threat to international peace and security”, and/or involves grave circumstances that warrant intervention.⁹⁸⁰ Under these circumstances, still, states are reluctant to accept intervention. They are always pressured. Third, intervention may occur against a state’s will as Rwanda-Uganda did against the DRC, 1998-2002; or as NATO did against Libya in 2012. Thus, interventions are inherently contentious. They are unwelcome to states intervened against. They also occur in highly-exceptional circumstances. Evidence of intervention does not negate its undesirability. It does not theoretically and empirically contradict the argument and evidence that SCs engendered non-bargains that led to non-cooperation on rebellions in the EAC.

Précis Of Non-Bargaining and Non-Cooperation

The findings correspond with the theoretical prediction: high-level SCs engender non-bargains that lead to non-cooperation on critical-sovereignty issues. Though rebellions are transnational, they were construed as domestic in origin, politically sensitive, and aim at the heart of the state. Cooperation on them would require penetrative interference in states’ internal affairs amidst states’ preference for self-sufficient solutions to state-centric security threats. This is why the EAC eschewed the EALA’s call for a Panel of Eminent Persons and Peace and Security Committee. For these structures to address transnational rebellions via mediation, delegitimising political violence, or pressuring states and/or rebels groups, they might need to unveil sovereignty to address intrastate issues that engender rebellions. Where peaceful means would fail, deployment of foreign troops on the affected state’s territory in combined operations might be inevitable. This is inimical to states’ meta-political

980 UN Security Council, 2007 (31 July: 5727th Meeting). ‘Resolution 1769 DAFUR’, S/RES/1769(2007). *International Legal Materials*, 46 (5):900-904; Nsongurua J. Udombana, 2006. ‘When Neutrality Is a Sin: The Darfur Crisis and the Crisis of Humanitarian Intervention in Sudan.’ *Human Rights Quarterly*, 27 (4):1149-1199

authority⁹⁸¹: “Deployment of regional troops to a member country could undermine the host state’s legitimacy.”⁹⁸²

Thus, states covet principles of respect for state sovereignty and monopoly on meta-political authority.

The EAC opposed pro-cooperation demands because the EACJ is encased within on a sovereignty-sensitive legal-institutional landscape, which informed the EACJ’s opposition to the IMLU’s judicial challenge to the EAC’s non-involvement in rebellion-related issues. Silence—not raising the issue in EAC fora, not finger-pointing affected states, and retaining silence and inaction amidst demands—helps EAC states to evade pro-cooperation pressure. When affected states did not raise the issue in regional fora, others lacked the diplomatic audacity to accuse the former. The resulting double silence impeded cooperation on rebellions to-date. The EALA’s voice, like civil society’s, was ineffectual for the EALA could not compel Council to act or break its silence. *Opposition and purposeful silence* reinforced each other, forming a synergistic, highly effective, non-bargaining strategy.

Contrary to bargaining theory, there was no bargaining compromise or consensus among EAC partner states on rebellions in an interstate bargaining forum. Instead, there was collective silence among states on the issue. Thus, non-bargaining does not signify lack of a common position among states. Compromise/consensus would have occurred if the state(s) opposed to cooperation convinced state(s) supporting cooperation in negotiations from which consensus would have resulted. Counterfactually stating, due to high-level SCs opposing states would still have stymied cooperation on rebellions by blocking consensus. In the EALA, pro-inclusion voices won debates. But the EALA has no mandate to force Council to act or decide. This implies that Council’s decision-making powers, plus limitations on other EAC organs’ mandates, grant Council a decisive edge over other organs. This secures states’ interests in shaping cooperation outcomes.

981 *Interview*: EAC/SEC/T/05, Arusha, 20 Sept. 2012; Museveni

982 Heilman

This institutional design which disallows the EALA from forcing Council to act, and makes other EAC organs dependent on Council for operational jurisdiction, is not accidental. International cooperation faces “bargaining failure” when states cannot reach mutual compromises. To avoid “inefficient bargains” (costly negotiations with less potential to result in cooperation on a problem that evokes considerable SCs), states prefer agreements that avoid “inefficient compromise” (give-and-take actions that erode states’ ultimate authority more than they offer cooperative benefits on a given issue).⁹⁸³ Therefore, states designed EAC institutions, decision-making procedures, and organs’ mandates with the future in mind: to avoid future inefficient bargains, to augment states’ interest in preserving their meta-political authority. This shows why states put unchecked decision-making and implementation powers in the sovereignty-sensitive Council.

Council members remained silent for they knew their non-decision and non-action would impact security cooperation outcomes. In this context, we can capture the significance of processes not in “concrete political decisions” or routine political decisions but also from actions and inactions that “sustain those values and rules of procedure” that help actors to “keep certain issues out of the public domain”. With Council’s silence, non-cooperation on rebellions “neither involves nor can be identified with decisions arrived at on specific issues.”⁹⁸⁴ Powerful actors’ non-decision and non-action have independent influence on cooperation outcomes.

Why is Council more sovereignty-sensitive than other EAC organs like the EALA? Two reasons: First, Council represents states’ preferences, and is therefore amenable to high-level SCs. Its members are also members of national executives, answerable to home governments. Contrarily, EALA members are not part of national parliaments, not answerable to a national authority. They are, instead, regional officials. Civil society actors are not sovereignty-sensitive: they are normatively more sensitive to human suffering than interested in preserving

983 Johannes Urpelainen, 2009. *All or Nothing: Avoiding Inefficient Compromise in International Cooperation*. Michigan: University of Michigan (PhD Thesis, from http://deepblue.lib.umich.edu/bitstream/2027.42/62240/1/jurpelai_1.pdf, 21 May 2012), p 1-2

984 Bachrach and Baratz, ‘Two Faces of Power’, p. 498

political authority. Not being EAC organs and institutions, they only influence EAC decisions via advocacy. Second, Council seems to be aware of its duty to contain the development of EAC institutions that might compete with state structures. Accordingly, a key informant concluded, “the slow movement to strengthen regional institutions is because of sovereignty concerns.”⁹⁸⁵ With Council’s persistent silence, the EAC’s sovereignty-sensitive rules that informed the EACJ’s decisions and operational jurisdiction, and the EALA’s *toothless-ness*, non-bargains would effectively and consistently stymie cooperation on transnational rebellions.

Nothing in my findings contradicts EAC partner states’ awareness that cooperation is desirable when it does not erode their meta-political authority. Non-cooperation on rebellions, however, does not imply that leaders are unaware of how protracted civil wars weaken the state, lead to state failure and/or state collapse, become transnational, and breed destructive warlordism.⁹⁸⁶ I do not imply that states do not appreciate that rebellions fuel other transnational insecurities, like terrorism and SALWs proliferation.⁹⁸⁷ Non-cooperation on rebellions does not signify EAC states’ failure to realise that long cycles of violence internationalise conflicts beyond their domesticity.⁹⁸⁸ It does not mean that states are unaware of, or have not been predisposed to, rebel conflicts as proxy wars. Instead, states witnessed civil wars metamorphose into international conflicts in the Great Lakes Region post-the-1994 Rwanda genocide. Some like Tanzania and Uganda still face refugee problems born of these conflicts.⁹⁸⁹ Therefore, non-cooperation on rebellions in the EAC cannot be reduced to collective action problems, non-awareness of the costs of non-cooperation, state weakness, or narrow (elite/sectional) interests.

In fact, non-cooperation on rebellions was difficult to sustain because of these consistent pressures. But it was possible—if necessary—because the EALA does not alter EAC instruments determined through sovereignty

⁹⁸⁵ Kadonya, *Interview*

⁹⁸⁶ Marten, ‘Warlordism in Comparative Perspective’.

⁹⁸⁷ James, A Piazza, 2008. ‘Incubators of Terror: Do Failed and Failing States Promote Transnational Terrorism?’ *International Studies Quarterly*, 52 (3):469-488

⁹⁸⁸ Gregory A Raymond and Charles W. Kegley, Jr., 1987. ‘Long Cycles and Internationalized Civil War.’ *The Journal of Politics*, 49 (2):481-499

⁹⁸⁹ Ndarubagiye, p. 26

bargains and cannot divert states off the desire to protect their meta-political authority. By insisting on respecting the principle of sovereignty states have domesticated, confined, and made internal control and policing an exclusive reserve of each state. By arrogating to themselves authoritative control over their respective domains, states have laid claim to legitimate monopoly of violence. By respecting these principles, states have constructed institutional restraints and self-awareness that prevents cooperative endeavours that might erode states' ultimate authority. This desire creates incentives for examining different security issues and designating them differently depending on how they are linked to state sovereignty. The desire to preserve their meta-political authority creates incentives for states to avoid engagements on issues the cooperation on which is estimated to be costly to this ultimate authority. Non-bargains on armed rebellions in the EAC should be seen in this light because states' common interest in preserving their sovereign powers remains strong in East Africa.

The explanatory value of the taxonomy of SCs needs repeating here: Through this taxonomy, I have empirically demonstrated non-bargains that stymied cooperation on transnational armed rebellions in the EAC, hence settling the puzzling simultaneity of cooperation on some security issues and non-cooperation on rebellions in the EAC. The taxonomy helped to turn state sovereignty into an analytic category. It shows why and how different intensities of SCs informed the appropriate sovereignty bargains that led to different cooperation outcomes. By tracing states' cooperation decisions from the micro-foundational principles informing contemporary statehood and the international system, this taxonomy brings agents (states), their interests (preservation of meta-political authority), and mechanisms (sovereignty bargains and non-bargains)⁹⁹⁰ in a single analytical framework. This has important implications for other potentially contentious issues, such as defence policy, domestic political governance and developing possible international security-cooperation measures. This study should be helpful in initiating regional security cooperation measures: where there are domestic-originated and politically sensitive security issues cooperation should be more difficult. Formulating possible solutions to ongoing transnational

⁹⁹⁰ Schmitter.

security problems, such as Islamic State in Iraq, terrorism, and transnational organised crimes, requires a clear understanding of the key actors and their interest in these insecurities. Similarly, planning, and overcoming difficulties of, external actors' intervention in transnational civil conflicts—whether or not there are normative calls for such interventions—should be informed by a clear appreciation of the high-level SCs such conflicts evoke.

The main findings and argument deserve repeating: High-level SCs beget *non-bargains* that stymie cooperation on “critical-sovereignty” issues: herein armed rebellions. The EACJ’s judicial opposition cleared the EAC’s non-involvement in states’ counterinsurgency operations, whether or not these operations involve human rights violations, hence preventing undesirable precedent on future involvement. States’ and Council’s purposeful silence prevented rebellions’ inclusion in the EAC’s security-cooperation frameworks during agenda setting. Further silence from the Council and Summit stymied legislative demands for structural-institutional changes needed to cooperate on rebellions. This prevented the EAC’s involvement in resolving Uganda’s LRA rebellion. Through non-bargains states stymied cooperation on rebellions fearing that cooperation would erode their meta-political authority. Beyond bargaining theorists’ emphasis on formal interstate bargaining, non-bargains also determine cooperation outcomes: here they led to non-cooperation. Non-bargains are not a non-issue. Instead, they can be conceptualised and empirically demonstrated as this study has done. Beyond optimism on African security regimes, high-level Sovereignty Concerns still stifle collective responses to rebel conflicts.

CHAPTER SEVEN

CONCLUSION

This thesis's central theme is the relationship between Sovereignty Concerns and security cooperation among states operating in regional organisations. The main question is: why do states cooperating within the same RO jointly address some security issues and not others? I empirically focus on the EAC: its partner states cooperate on several transnational security issues but not on transnational armed rebellions with regional security implications. I found that states are aware of the benefits of security cooperation. But they worry about potential erosion of their meta-political authority in trying to address prevailing insecurity. States weigh the possible implications, for their sovereign authority, of jointly addressing different security issues. Hence, these different issues evoke different levels of SCs depending on whether or not they are construed as domestic in origin and aiming at the heart of the state, the possible necessity of intergovernmental agencies to address these issues, and the extent of states' belief that sovereign entities should address some security issues independently. Judging different security issues along these parameters, states distinguish coordination-problem security issues from critical-sovereignty issues. The former evoke low-level SCs, the latter high-level SCs. These SCs engender sovereignty bargains that determine which security issues get included on regional agendas and security-cooperation instruments, and cooperation practices relating to those issues, and which issues are excluded. Hence the argument: SCs -> Sovereignty Bargains => Security Cooperation.

In concluding this thesis, I recap the findings of the study; highlight the study's contribution and implications for studies of regionalism, international security cooperation, and African studies; and assess the applicability of my theoretical and empirical analysis to other developing-world ROs: ECOWAS and SADC in Africa; and ASEAN in Asia. I end with some recommendations.

Summary of Findings

By far the reader agrees that this study explains the puzzle of cooperation on several transnational security issues in the EAC concurrent with non-cooperation on transnational armed rebellions that have regional security implications (Chapter 1). The central argument is that SCs engender sovereignty bargains that influence the scope and character of security cooperation among states (Chapter 3). EAC states are self-conscious sovereign entities. They distinguish security issues by assessing the possible implications of cooperating on each issue for states' meta-political authority. Several security issues evoked low-level SCs; transnational rebellions evoked high-level, SCs. Low-level SCs engendered normal bargains that led to cooperation on "common security problems" like terrorism and SALWs. High-level SCs produced "non-bargains" which stymied cooperation on rebellions (Chapters 5-6). My findings and analysis differ from Jervis's and Lipson's broad dichotomy between security and non-security cooperation by addressing simultaneous cooperation and non-cooperation on different security issues.⁹⁹¹ I underscore differences within the security realm and adduce evidence that explanations for non-cooperation cannot necessarily be reducible to anarchy's constraining effect on cooperation.

Table 6: Summary of Findings

Security Issues	Sovereignty Concerns	Bargaining Techniques	Cooperation Outcomes
<i>Coordination-Problem Issues</i> , e.g. transnational crime, piracy, <u>SALWs</u> , <u>terrorism</u>	LOW-LEVEL: how to coordinate minus eroding states' sovereign authority.	<i>Normal Bargains:</i> Negotiations, consultative meetings, expert analyses: Consensus-building	<i>Cooperation:</i> joint activities; mobilising and sharing resources; jointly engaging international community

991 Jervis, pp. 368-370. Lipson, p. 6.

Security Issues	Sovereignty Concerns	Bargaining Techniques	Cooperation Outcomes
Critical-sovereignty (Existential) Issues e.g. domestic/internal control/policing, command over security forces, <u>armed rebellions</u>	HIGH-LEVEL: Fear of losing sovereignty; resistance to external actors' involvement in internal security realm	Non-Bargains: Judicial Opposition to IMLU's case; & Council's Silence to EALA's LRA-related demands	Non-Cooperation: Exclusion from the EAC's cooperation framework; consistent avoidance of cooperation commitment

Sources: My findings

I found that coordination-problem security issues were interpreted as foreign in origin and of a criminal nature, unconnected to particular states' internal affairs, as beyond unilateral responsibility and capability, and as amenable to coordinated responses. These "common security problems" evoked low-level SCs that engendered normal bargains on cooperation modalities (Table 6). Normal bargains generated interstate agreement to include these issues on the EAC's common agenda and on the appropriate cooperation practices that, once specified in the peace and security protocol, translated into observed joint responses to these security issues. Empirical observations from the EAC's counterterrorism and anti-SALWs measures are clear: First, through normal bargains states agreed to cooperate on these security issues, included them on the EAC security strategy, and later in relevant protocols. Second, states cooperate on the issues—implementing the agreements—"in a manner that does not threaten or fundamentally challenge the existing status quo regarding state sovereignty."⁹⁹²

Evidence from official documents that is corroborated with interviews indicates that: (i) States used expert analyses to determine whether they would coordinate national efforts on SALWs and terrorism. (ii) They held progressive, consistent negotiations, consultative meetings, and engaged regional and international actors, on whether and how to cooperate on these issues. (iii) States, thereafter, implemented agreed-upon cooperation

⁹⁹² Heilman

practices that privilege states' security agencies—national focal points on SALWs and counterterrorism agencies—that embody states' meta-political authority. This coordination has vital implications: (a) it guarantees states' control over cooperation processes, from decisions on *whether* and *how* to cooperate to *implementation* of agreed-upon cooperation practices. EAC organs and institutions have minimal, if any, control over these processes beyond coordinating state responses.⁹⁹³ (b) It enhances states' control over their security domains through established and strengthened NFPs on SALWs and national counterterrorism agencies. (c) It legitimises states' counterterrorism and anti-SALWs measures as EAC partner states have become participants in the community of states undertaking similar activities.⁹⁹⁴

While reaching an international agreement does not necessarily mean that states will actually cooperate—as states may not live up to their international commitments for reasons beyond my scope—including issues in a legally-binding protocol is a first step toward cooperating on them. With evidence of normal bargains and resulting cooperation on terrorism and SALWs, I empirically demonstrate that EAC partner states agreed—and actually do honour their commitments—to cooperate on coordination-problem security issues.

Contrarily, I found that EAC partner states interpret rebellions as domestic in origin, as targeting particular states, as blameable on states of origin, and thus within the precincts of concerned states' sovereign responsibility. Thinking about cooperation on rebellions reminds states of historical experience and practical difficulties of cooperating on them, and evokes states' fear of losing independent control over their internal politico-security domains. States prefer handling rebellions independently to cooperation, and disapprove of foreign actors' involvement. Rebellions are construed as “political” and sensitive—political because they belong to the realm of coercion that states have historically sought to monopolise. Rooted in domestic governance, rebellions' independent resolution—whether peacefully or militarily—enhances the sovereign's stateliness. On joint military

993 Field Findings

994 Country Reports on Terrorism; Okumu

solutions, states dislike foreign troops' deployment on their territories for this erodes their monopoly of violence, internal control, and signifies dependent control over states' territorial spaces. States feared "losing security and defence autonomy" and control⁹⁹⁵, which are critical to their meta-political authority.

These high-level SCs provoked non-bargains that stymied cooperation on rebellions (Table 6): (i) the EACJ's verdict on the case of Kenya's SMDL opposed civil-society demands for the EAC's involvement in handling rebellions and related concerns resulting from states' counterinsurgency measures, thereby avoiding setting unwanted legal precedent. (ii) Council's purposeful silence, non-decision, non-action, frustrated the EALA's pursuit of an EAC-level solution to Uganda's LRA rebellion and similar conflicts. The two non-bargaining techniques *effectively* stymied cooperation on rebellions by reinforcing each other. Non-bargains and their resulting non-cooperation on rebellions preserve EAC partner states' decisional autonomy, monopoly of violence, command and control over national security agencies, and authority to make and enforce counterinsurgency rules within their domestic domains (Chapter 6).

While no security issue evoked intermediate SCs that would have produced protracted bargains, I believe my taxonomy of SCs has sufficient empirical support given the verifiable association between normal bargains/non-bargains and security cooperation/non-cooperation. Protracted bargains, nonetheless, exist on: (i) political federation, and (ii) the monetary union. Negotiations on these issues have been protracted: decisions have been repeatedly postponed. Wider and deeper consultations and studies are being undertaken. Timelines for reaching decisions have been extended indefinitely. According to the EAC, "one of the very first challenges against federation is the question of sovereignty." It manifested in "notions of loss of political power, loss of decision-

995 EAC, The East African Political Federation, p. 21

making, and loss of flexibility in exercising powers at the national level.” It “emerged as a factor in all country surveys” as states fear “losing their identity, status or privilege, and marginalisation in decision-making.”⁹⁹⁶

On the monetary union, “the creation of a single currency... is raising concerns among partner states.” Kenya and Uganda, for instance, are concerned about the “transfer of monetary sovereignty to the regional level.”⁹⁹⁷ Scott and colleagues argue that the EAC monetary union was dissolved during the 1970s due to differences in states’ estimations of the union’s outcome for their sovereignty and well-being. They add that pre-existing institutions and systemic shocks—subject to state motives—influence states’ yielding of sovereignty to new international institutions.⁹⁹⁸ However, the post-1993 monetary union remains subject to protracted bargains. States hope to balance political and monetary cooperation with their meta-political authority: this difficult task typifies protracted bargaining, evidence of which supports my sovereignty bargaining theory. Litfin and Mattli use it to analyse cooperation on non-security affairs implying its applicability across issue-areas.⁹⁹⁹

The view that SCs influence states’ decisions to embrace or eschew cooperation on some security issues is vital for analysing [differential] security cooperation in ROs. When faced with cooperation problems, states estimate the sovereignty risks of cooperating on the given issues. States may have other concerns: welfare, security, socioeconomic prosperity, ideological. But SCs require balancing states’ ultimate political authority and security interdependence. This balance is possible through sovereignty bargains once states distinguish issues the cooperation on which they believe might compromise their meta-political authority, from those on which cooperation might be mutually beneficial and preserve their sovereign-ness (Table 6). Contrary to bargaining

996 EAC, *ibid*, p. 3 & 21

997 *Ibid*, p. 26

998 Scott Cooper, Darren Hawkins, Wade Jacoby, and Daniel Nielson, 2008. ‘Yielding Sovereignty to International Institutions: Bringing System Structure Back In.’ *International Studies Review*, 10 (3):501-524

999 Litfin; Fearon; Mattli; Haftel and Thomson

theorists that rarely address non-bargains¹⁰⁰⁰, the influence of non-bargains on security cooperation is empirically demonstrable and EAC policymakers seem to value this approach.

Implications of the Study

This study demonstrates theoretically and empirically why and how security cooperation in the EAC defies theoretical expectations that states facing common security threats have incentives to build regional security arrangements for addressing these security issues. It explains why EAC partner states cooperate on various transnational security issues except rebellions with regional security implications. The argument that states weigh the possible implications, for their meta-political authority, of cooperating on different security issues places emphasis on sovereignty bargaining: states engage in normal bargains that result in cooperation on coordination-problem security issues but use non-bargaining strategies to stymie cooperation on critical-sovereignty issues. The study refines, critiques, and improves upon several claims: those stressing collective action problems as hindrances to the provision of international/regional public goods like security; analyses about the nature and future of security cooperation in Africa; International Security studies that address challenges and possibilities of resolving transnational security problems; and claims about the fate of state sovereignty. I briefly examine the implications of this study for each of these claims in coming paragraphs.

On collective-action arguments, this study reveals that states have made progress in resolving collective action problems.¹⁰⁰¹ This progress, while not indicative of the erasure of states' self-interest, reveals states' tendency to rationalise cooperation by weighing the optimal outcomes of cooperation and sub-optimal outcomes of non-cooperation.¹⁰⁰² The cooperation literature that is scattered in regime theory¹⁰⁰³, neoliberal institutionalism¹⁰⁰⁴,

1000 E.g. Litfin; Fearon; Mattli; Haftel and Thomson

1001 Stein; Keohane, 'The Demand for International Regimes'.

1002 Stein

1003 E.g. Young, *Governance in World Affairs*

1004 Baldwin, Neorealism and Neoliberalism; Koremenos, et al., 'The Rational Design of International Institutions.'

and theories of regionalism¹⁰⁰⁵, vast as it is, shows in various ways how this obtains. Constructivists have also revealed how and why states' common identities, shared ideas, and normative influences have led to variations in cooperative outcomes across space.¹⁰⁰⁶ But this study refines the argument about whether and how states overcome collective action problems by deviating from these standard claims. Instead, it lays emphasis on states' shared interest that hampers cooperation: the desire to preserve states' meta-political authority. Thus, variation between cooperation and non-cooperation may not be reducible to states' failure to resolve coordination and collaboration problems per se but ought to be judged from whether states' collective estimation of the costs and benefits of both cooperation and non-cooperation—in relation to their sovereign authority—informs cooperation outcomes. The EAC experience vindicates this observation.

On studies about the nature and future of security cooperation in Africa, this study reveals that overemphasis on the nature of the state¹⁰⁰⁷, national and elite interests¹⁰⁰⁸, and the effectiveness of extant security-cooperation practices¹⁰⁰⁹, can be improved upon by attending to the analytical value of state sovereignty. Theorising the nature of the state without linking it to the principle upon which that state system is built creates a tendency to lay greater emphasis on domestic causes while forgetting the structural influences. State elites may have their selfish interests as all rational human beings. But they are constrained in the extent to which these individual and group interests can override the interests of the collective. The state may be weak, failing, even collapsed. But laying emphasis on state weakness presupposes that were the state 'strong enough' it would allow for more cooperation. In fact, if the African state were strong enough to manage its internal security affairs in a manner that does not warrant reliance on external actors as was the case in Rwanda, DRC, Somalia, Sierra Leone, and Sudan, it would be ever more protective of its meta-political authority. States which succumb to external

1005 Solingen; Mansfield, and Solingen, 'Regionalism'.

1006 Acharya, *Whose Ideas Matter*; Hemmer and Katzenstein, 'Why is there no NATO in Asia?'

1007 De Waal

1008 Tavares; Fisher

1009 De Waal; ICG

interventions hardly do so under normal conditions. *Non-normal* conditions, such as of government collapse and internal anarchy, may motivate foreign involvement in states' internal affairs: they are not explanations for states' decisions on whether or not to cooperate *whenever states are able to* decide so. This conclusion has implications for appreciating the influence of states' SCs in resisting international processes that may erode states' meta-political authority: non-cooperation on rebellions in the EAC illustrates this contention between sovereignty and states' willingness to find solutions to its security problems that fall within states' jurisdictional domains.

Analysts in International Security are puzzling over possibilities and difficulties of resolving transnational security issues. This study supplements existing efforts with the revelation that critical-sovereignty security issues remain problematic to resolve through joint efforts. Some findings indicate that peaceful solutions to civil conflicts remain problematic due to commitment problems, changing bargaining interests, complexity of conflicts, involvement of multiple partner/actors with multiple interests, limited understanding of the causal and transformative dimensions of these conflicts¹⁰¹⁰, and the failure of the international community to help the former warring parties to honour their commitments and prevent a return to war.¹⁰¹¹ Other conflicts are difficult to resolve both unilaterally and cooperatively owing to their transnational dimensions.¹⁰¹² While critical-sovereignty security issues are difficult to include in regional security agendas, coordination-problem issues like terrorism, piracy, SALWs, transnational organised crime like human and drugs trafficking, have generally featured on states' common agendas, hence regional and international regimes targeted at these problems across space. Theorising the principle of state sovereignty helped uncover how SCs explain variations in states' responses to these issues.

Finally, some scholars decry or rather celebrate the end of state sovereignty. They cite sovereignty-eroding forces and processes like globalisation, transnationalism, interdependence, violations of weaker states' territorial

1010 Adedeji, *Comprehending and Mastering African Conflicts*; Toft, 'Ending Civil Wars';

1011 Thomas Ohlson, 2003. "Fanning the Flames of Peace: The Difficult Role of IOs". *International Studies Review*, 5 (2): 228-231

1012 Shaw, 'Regional Dimensions of Conflict and Peace-building in Contemporary Africa'; Vinci; Prunier, "Rebel Movements and Proxy Warfare"; Salehyan, 'The Externalities of Civil Strife'.

sovereignty by strong states, interventionism, and state failures in almost all regions of the world.¹⁰¹³ Krasner has gone on to prescribe sharing sovereignty between internal and external actors since the fixity of territorial borders, the rarity of violent state death, availability of foreign assistance, and raw material exports erode the incentives of “political leaders in many poorly governed states” to “craft self-enforcing pareto improving agreements with their own populations.”¹⁰¹⁴ He seems to be talking of governance, not the claim to, and exercise of, state sovereignty. Even if Krasner’s “shared sovereignty arrangements” were desirable as steps toward creating pareto-improving agreements, he sees them as only obtaining within the state system. But the system has a common interest in preserving its meta-political authority and improving state power. Its members have this shared interest, hence Krasner’s earlier observation that sovereignty is a form of “organised hypocrisy.”¹⁰¹⁵ This study agrees with Thomson and Litfin that what scholars take to be the erosion of state sovereignty actually indicates changes in expressions and practices of sovereignty in response to different challenges states face. While states desire improved security they covet their sovereign-ness because “the end of sovereignty would entail the end of the state’s monopoly on meta-political authority.”¹⁰¹⁶ Sovereignty bargains are useful in addressing this challenge. Scholars should start considering sovereignty not as a given but as one of the key variables that inform international cooperation outcomes and other phenomena.

These findings and analysis may deepen our understanding of cooperation and non-cooperation on non-security but highly contentious issues across space; our practical interventions in designing regional institutions where none exist or are nascent; planning, and overcoming difficulties of, third party interventions in transnational civil conflicts; formulating possible solutions to ongoing transnational security problems; and predicting states’ responses to external interventions in their domestic domains notwithstanding normative justifications for doing

1013 Clunan and Trinkunas, *Ungoverned Spaces*; Scott, et al., ‘Yielding Sovereignty to International Institutions’; Ian War, 2003. ‘The End of Sovereignty and the new Humanism’. *Stanford Law Review*, 55 (5):2091-2112; Joseph A. Camilleri and Jim Falk, 1992. *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World*. Aldershot: E Elgar; Agnew, ‘Sovereignty Regimes’.

1014 Stephen D Krasner, 2005. ‘The Case for Shared Sovereignty.’ *Journal of Democracy*, 16 (1): 69-83 (p. 69)

1015 Krasner, *Sovereignty*.

1016 Thomson, p. 225

so. SCs are likely to prominently influence any of these outcomes. Hence the need to re-examine regionalism's presupposition of interstate cooperation to solve region-specific problems, optimise benefits of interdependence, and reduce non-cooperation's suboptimal outcomes under the principle subsidiarity.

Regarding subsidiarity, this study reveals that closer one gets to the level of implementation of an international agreement—say from the UN to the AU and then to the EAC—the more difficult it becomes to arrive at cooperative outcomes. It is here that interdependence threatens state sovereignty. I showed how sovereignty exacerbates the difficulty of SALWs controls along the Kenya-Uganda border. At the regional level, states come face-to-face with potential threats to their sovereignty. They may be forced to cooperate “as self-help.”¹⁰¹⁷ But, on the whole, they would prefer autonomous decision making and action; authoritative control over their respective security domains; and legitimate monopoly of violence. McCormick's analysis is informative here for it reveals that ROs face high politics while IOs face low politics.¹⁰¹⁸ This explains security cooperation in the EAC that defies the contextual anticipation that states cooperate on the salient security threats facing them and negates optimism on Africa's evolving security cooperation under the APSA and other arrangements. As this study shows, the sovereignty bargains that determine whether or not states cooperate on any given security issue are rooted in states' SCs. This is discerned by theorising sovereignty. Beyond bargaining theory's emphasis on formal bargaining processes, non-bargains influence security cooperation outcomes and are empirically demonstrable.

Finally, contrary to enthusiastic expectations on security cooperation in Africa, that stress non-indifference in Africa's evolving security regime¹⁰¹⁹, cooperation on transnational armed/rebel conflicts remains problematic owing to SCs. These findings, therefore, have important implications for Regionalism, International Security, and African [Security] Studies: first, I underscore the variance between states' membership to ROs and security commitments therein. Second, I stress issue-specific analysis to explain states' unpredictable behaviours with

1017 Glaser, “Realists as Optimists”; Milward; Stefanova

1018 McCormick

1019 Touray, p. 642-647 and 654; Franke, p. 85; Vines, p. 91-106; Williams

regard to cooperating on different security issues. Third, I analyse states' cost-benefit choice-making between improved security and enhanced meta-political authority. Finally, I bring the EAC, which remains understudied, to the attention of scholarship on regionalism and security cooperation in Africa and beyond. Other regions may have both security and non-security issues that are difficult to cooperate on because of SCs as Litfin reveals. Indeed, rationalist theorising in IR acknowledges tensions between states' sovereignty-related interests and security interdependence.¹⁰²⁰ However, evidence from the EAC is informative of the dynamics of international security cooperation given the RO's context, prevalence of insecurity, the simultaneity of security cooperation and non-cooperation, and the changing conceptions of security cooperation and emerging pro-intervention norms in Africa both under the AU and the UN.

The findings stress states' consistent tendency to use sovereignty bargains to balance interdependence with their sovereign-ness.¹⁰²¹ While regionalism signifies international organisation below the UN¹⁰²² and cooperation within a region¹⁰²³, state sovereignty greatly influences security regionalism. Hence, while ROs are avenues for interstate cooperation, organisational commitment remains a sovereign decision as cooperation decisions remain in the hands of states.¹⁰²⁴ Sovereign entities ensure that supranational actors do not usurp their decision-making power. They stymie demands to cooperate on critical-sovereignty issues to retain a significant amount of these sovereign rights.¹⁰²⁵ Aware that ROs' activities/operations may affect authority, states limit ROs' mandates to cooperation practices that preserve/enhance state power to avoid "irritations of IO autonomy" that would result from RO structures competing with states' security agencies.¹⁰²⁶ In the EAC, cooperation on rebellions has higher meta-political authority trade-offs than counterterrorism and anti-SALWs measures.

1020 Stein; Waltz

1021 Litfin; Mattli

1022 Wilcox, p. 789-90

1023 Mansfield and Solingen, 'Regionalism', pp 152-158; Solingen

1024 Field *Interviews*

1025 field Findings

1026 Abbot and Snidal, p. 5

The above standpoint shifts the analysis in cooperation theory to issue-specificity. Issue-area analysis considers dichotomous variation: cooperation in one broad issue area, say economic affairs vis-à-vis non-cooperation in another issue-area, say security affairs.¹⁰²⁷ Issue-specific, perhaps also region/RO-specific, approach examines cooperation on different security issues—within the same RO. Region-specificity appears helpful in explaining why we have NATO in Europe and “no NATO” in Asia: SCs stymied collective defence in Asia.¹⁰²⁸ The historical and political context of SCs in Asia varies from Europe’s. Similarly, SCs that influence security cooperation in the EAC may not apply to post-World War II Europe due to different contexts and issues at hand. Thus, the SCs-security cooperation relationship may vary with context, region, and security issues. But one issue remains indisputable: SCs are prior to, and have causal influence upon, security cooperation decisions and outcomes.

One great contribution here is that preservation of states’ meta-political authority remains a major interest—but it supersedes—other interests alongside it like security and prosperity. This diverges from the relative-absolute gains debate that contrasts liberal rationalism’s assumption that “States focus primarily on their absolute gains”, and have high “prospects for cooperation”, with neorealism’s postulation that “States are largely concerned with relative gains”, with high “prospects for conflict” and limited or no cooperation.¹⁰²⁹ Instead of juxtaposing cooperation and non-cooperation basing on states’ absolute and relative gains considerations, we also gain from analysing states’ parameters for judging different issues: states’ choices on whether or not to cooperate depend on their judgement on potential meta-political authority implications of cooperating on given security issues vis-à-vis improved security. By considering the different intensities of SCs an issue evokes and the accompanying sovereignty-bargains by which states decide whether or not to cooperate on given security

1027 Jervis; Lipson

1028 Hemmer and Katzenstein; Acharya, *Whose Ideas Matter?*

1029 Robert Powell, 1991. ‘Absolute and Relative Gains in International Relations Theory.’ *American Political Science Review*, 85 (4):1303-1320 (p. 1303)

issues, we realise that states compete not against each other: they strive to balance the urge to cooperate on a given issue and retention of their meta-political authority.

From the foregoing, sometimes non-cooperation may lead to what look like absolute gains: preserving states' autonomy, control, and legitimacy. This reflects Thomson's view that states cooperate to preserve their meta-political authority for state sovereignty is the institutional embodiment of today's international system. The system respects "states recognised claim to monopolise coercive and policing function upon which their meta-political authority rests."¹⁰³⁰ Therefore, saying that sovereignty bargains influence security cooperation outcomes implies that the choice between normal and non-bargains is sovereignty-dependent. As Thomson elaborates, "states increasingly exercise sovereignty in multilateral, international institutions [like the EAC] which are distanced from societal control. State bargaining with society is bypassed and legitimised by multilateralism"¹⁰³¹ where interstate bargains influence cooperation outcomes that impact societies over which states rule. Contrary to neorealist thesis, non-cooperation may signify a different form of sovereignty-informed mutual understanding—not mutual suspicion—among states. EAC partner states are aware of both the desirable and undesirable consequences of both cooperation and non-cooperation on different security issues.¹⁰³² Therefore, sovereignty bargaining should be of vital interest to scholars and practitioners of international security cooperation.

Another vital implication is our appreciation of decision-making in international organisations. Being sovereignty-sensitive, states tend to establish decision-making structures they dominate: "The decision-making structure of different international organisations might explain the forum shopping that primary senders will pursue for military or economic sanctions."¹⁰³³ Consider decision-making in the EAC: emphasis on consensus, vesting decision-making powers in the sovereignty-sensitive Council, making other organs dependent on Council, the Council's

1030 Thomson, p. 230

1031 Thomson, *ibid*

1032 Stein, pp. 29-53

1033 Drezner, p. 98

powers and mandate. These rules indicate states' efforts to stifle EAC autonomy. Negotiated consensus in the EAC is required at all levels of the decision-making hierarchy: experts/senior officials' level, sectoral committee, coordination committee, sectoral council, and the Council.¹⁰³⁴ States always reach consensus at coordination committee and Council levels. Where Council members cannot agree, they seek Summit's "policy guidance."¹⁰³⁵ Council's decision-making and implementation powers allow it to ultimately influence security cooperation outcomes: it sticks to or seeks consensus from state-controlled, lower-level, sovereignty-bargaining processes by which cooperation decisions unfold. This stifles opinions from actors like the EALA and civil society that are outside the EAC's institutional structure of decision making.

From the foregoing, understanding decision-making rules—"who" decides, decision-making conditions, "how" decisions are made or stifled—is vital for analysing both ongoing and future interstate bargaining. We have seen "who" decides (Council) and "how" (multi-level consensus). Let us relate these with "conditions". Emphasis is placed on principles of respect for state sovereignty, territorial integrity, political independence, and non-interference in partner states' internal affairs.¹⁰³⁶ These became future decision-making conditions, benchmarks for stymieing pro-cooperation voices. Silence was effective because Council was unwilling to allow cooperation on rebellions. Council's non-decision and elusive behaviour remained unscathed because the EAC's decision-making rules stifle extra-Council opinions. Were the EALA mandated to compel Council to decide and/or to act, rebellions would have been included on the EAC security agenda considering the EALA's push for this.

In the EAC, negotiating officials are also sovereignty-sensitive. They protect their national self-image. They avoid embarrassing colleagues from partner states.¹⁰³⁷ This led to double silence on rebellions. Because they alone are authorised to represent sovereign entities—akin to Thomson's notion that states cooperate to monopolise

1034 Figure 2, Ch. 5

1035 Niyonzima, *Interview*; Fearon.

1036 Defence, and Peace and Security Protocol - Preambles

1037 Confidential; *Interviews* from Nairobi

meta-political authority—civil society and EALA demands were inefficacious. State officials set the sovereignty-sensitive legal rules within which the EACJ's verdict may be construed. State officials' sovereignty-sensitivity is useful for balancing states' fears of eroding their meta-political authority and the need for cooperation. Using non-bargains, decision makers frustrate regional actors that demand cooperation measures that might erode states' meta-political authority. Even though EAC decisions require multi-level consensus, state actors must convince others at different decision-making levels and respect each other's meta-political authority claims.

The need for multi-level unanimity makes consensus a means to institutionalising both cooperation and non-cooperation on different issues once consensual decisions specify issues of cooperation that states include in protocols; and those of non-cooperation—or Ruhangisa's "no jurisdiction" issues—which are excluded from protocols. Council finalises and implements EAC decisions whenever a legal instrument like a protocol is made.¹⁰³⁸ Once no state suggested cooperation on rebellions in EAC fora, the unfolding bargains worked on agendas from which the issue had been excluded. Therefore, the resulting negotiated consensus entailed non-cooperation on rebellions. This accentuates my earlier notion that while an international/regional agreement may not necessarily indicate actual cooperation, a no-agreement situation is farther away from cooperation whose procedural and institutional dimensions are always specified in consensual agreements.

Finally, a common thread running through most studies of security cooperation in Africa is the salience of various security challenges, among which transnational rebellions are common, and the continental and regional mandates and challenges encountered in undertaking cooperative security measures.¹⁰³⁹ Others stress the shift from non-interference to non-indifference, from state-centrism to region-centrism in Africa's evolving security measures.¹⁰⁴⁰ These studies are informative of Africa's changing international politico-security landscape.

1038 Kaahwa; Waffubwa – *Interviews*

1039 Prunier, *Africa's World War*, Chapter 2-4; Hammerstad; Tavares; Nathan; Jaye, Garuba and Amadi; Vines; Williams; Tavares

1040 Williams; Touray; Bah; Jones, Forman, and Gowan; Vines; Franke; Okumu; Finlay, Bergen and Tessler

Nonetheless, I am cautious to hurriedly aver that Africa's security complexities and the desire for cooperative security trounce states' meta-political authority considerations. Instead, national interests of states that partake of interventions should be examined, a task Tavares and Nathan attempt on ECOWAS and SADC. The taxonomy of SCs developed in this study and the sovereignty bargains demonstrated are helpful in explaining the recurrently observed puzzles of regionalism and security cooperation in Africa and beyond.

Applicability beyond the EAC

My findings and conclusions apply to ASEAN, where separatist movements, insurgent groups, and armed conflicts have affected states like Philippines, Thailand, and Burma until recently. There is no regional framework for handling them because ASEAN member-states stress principles of the "ASEAN Way"—non-interference in member-states' domestic affairs, absence of institutional robustness in security cooperation, seeking agreement and harmony; sensitivity, politeness, non-confrontation and agreeability; quiet, private and elitist diplomacy, instead of public washing of dirty linen; and being "non-Cartesian, non-legalistic"—which are germane to SCs.¹⁰⁴¹

Sensitivity to state sovereignty is ASEAN's core diplomatic practice and cooperation principle. Whereas the EAC is more institutionalised than ASEAN, sovereign co-respect in the EAC helps states eschew cooperation on critical-sovereignty security issues, signifying possibilities of institutionalised cooperation concurrent with respect for states' ultimate authority. Similarly, ASEAN's non-cooperation on armed conflicts has not prevented joint efforts on other non-traditional security issues.¹⁰⁴² It seems high-level SCs stymied defence cooperation in ASEAN as they did to rebellions in the EAC: in both ROs, states avoid joint security measures that may gnaw at the marrow of their sovereign statehood. Thus, my findings agree with Acharya's. But we differ theoretically and methodologically: I use a rational choice approach; Acharya uses a constructivist one. I examine in-region

1041 Gillian Goh, 2003. 'The 'ASEAN Way' Non-Intervention and ASEAN's Role in Conflict Management.' *Stanford Journal of Southeast Asian Studies*, 3 (1):113-118 (p. 114); Acharya, *Whose Ideas Matter?*

1042 ASEAN. 2009. *The ASEAN Political-Security Community Blueprint*. Jakarta: ASEAN; Arase.

security regime formation; Acharya analyses Asia's response to external regime imposition (US-suggested, if imposed, collective defence: "Asian NATO"). Acharya addresses traditional/state-state security cooperation, and does not juxtapose cooperation and non-cooperation on different [non-conventional] security issues as I do.

The ECOWAS and SADC are two ROs in Africa that may empirically seem to challenge my argument, when viewed from the experiences of ECOWAS Monitoring Group (ECOMOG) in Liberia and Sierra Leone in the 1990s, ECOWAS Military Mission in Liberia (ECOMIL), and SADC operations in Lesotho (1998). Yet as stressed earlier, two factors akin to my findings informed these measures: (i) states' desire to disallow armed groups in affected countries to mount multiple contestations of state sovereignty and thereby cause insecurity in neighbouring countries like Nigeria; and (ii) the desire to rescue the state as a component of the state system when affected states had no capacity to claim "autarchic strivings toward greater self-sufficiency."¹⁰⁴³

Affected states exceeded the threshold of sovereign-ness: they lacked minimum authoritative control over their territorial spaces. Contrast them with Senegal whose rebellion is not a regional security crisis: fighting between Senegal's government and the secessionist *Movement des Forces Démocratiques de la Casamance (MFDC)* in Casamance region started early 1980s.¹⁰⁴⁴ There are no regional solutions to the conflict perhaps because it has not spilt over to neighbouring states with as much severity as Liberian or Sierra Leonean wars for reasons beyond this study. And yet Senegal takes part in ECOWAS missions. This indicates that states' ability to claim meta-political authority amidst insecurity is sufficient ground to disallow external involvement in its internal affairs. Besides, states in ECOWAS and SADC respond to such conflicts for selfish reasons.¹⁰⁴⁵

¹⁰⁴³ Waltz, p. 106

¹⁰⁴⁴ Ferdinand de Jong and Geneviève Gasser, 2005. 'Contested Casamance: Introduction.' *Canadian Journal of African Studies*, 39 (2):213-229; Aïssatou Fall, 2010. 'Understanding the Casamance Conflict: A Background', KAIPTC Monograph No. 7 (available: <http://www.kaiptc.org/Publications/Monographs/Monographs/Monograph-7-Aissatou.aspx>, 30 June 2013).

¹⁰⁴⁵ Tavares; Narthan

Despite armed conflicts in Colombia, El Salvador, Guatemala, and Nicaragua, regional security cooperation in Latin America focuses on terrorism, drug trafficking, money laundering—on non-sensitive security issues that are not “of a political nature.” While “consistency affects the strength and direction of third-party influence” in civil conflicts, Gleditsch and Beardsley find no evidence of joint responses to transnational rebellions in Latin America even as they admit that third parties are “extremely influential in the bargaining process in intra-state conflict.”¹⁰⁴⁶ Apparently Latin American states value self-sufficient counterinsurgency operations. The nature and extent of non-cooperation on armed struggles against constituted state authorities may vary across time and space. Broadly, however, my findings and argument seem to apply beyond the EAC.

True, EAC partner states have undergone a process of learning since the 1990s. They view cooperation on rebellions as necessitating either: (a) peaceful solutions like negotiated settlements which have previously failed and might require EALA-suggested regional structures that may interfere in states’ internal political-security and governance affairs if they are to address rebellions’ causal and transformative forces; or (b) armed intervention which erodes states’ monopoly of violence, authoritative control over their internal politico-security domains, and autonomy in policing internal rebellion. Hence, non-intervention is preferred less in line with the traditional/UN non-intervention thesis¹⁰⁴⁷, which some analysts believe is inconsistent with contemporary realities of conditional intervention¹⁰⁴⁸, but more as a contest between states’ sovereign prerogatives and ROs’ mandates and activities that might erode states’ sovereign authority. Only serious disruptions to neighbouring states’ security or fears of state collapse and resulting insecurity for neighbours would activate efforts to find a joint solution.

Transnational armed rebellions (as conceptualised here) do not meet the (very high) informal threshold that Wheeler’s “International Society” have set up and by which EAC partner states may abide. The normative R2P

1046 Kristian Skrede Gleditsch and Kyle Beardsley, 2004. ‘Nosy Neighbors: Third-Party Actors in Central American Conflicts.’ *The Journal of Conflict Resolution*, 48 (3):379-402 (p. 379)

1047 Bull; Vincent.

1048 Williams.

argument, which urges solidarist action to “save strangers” facing humanitarian crises,¹⁰⁴⁹ is viewed by states as irrelevant, if not dangerous, to prevailing circumstances in East Africa. As Wheeler proves, states face a decision-making dilemma: “doing something to rescue non-citizens” they risk accusations of interfering in sovereign states’ internal affairs; doing nothing they risk “accusations of moral indifference.”¹⁰⁵⁰ He admits that foreign intervention requires UN Security Council authorisation, and that the new norms do not determine that intervention will occur when urgently needed as happened in Rwanda.

Objections to regional security cooperation of this nature may not be unique to the EAC. We observed them in ASEAN states’ non-involvement in East Timor (1999-2000), the UN’s inaction that allowed the 1994 Rwanda genocide, US withdrew from Somalia in 1993, and non-intervention in Syria since 2012. And yet not all these instances of international inaction may be necessarily rooted in SCs. Instead, they may reveal circumstances that differ from those of East Africa. These puzzles require different analyses of the factors that inform states’ international commitments to “save strangers”. East Africa appears to be unique in this respect: my sovereignty bargaining approach demonstrates why and how security cooperation and non-cooperation obtains in the EAC.

These examples by no means demonstrate a universal theory of regional security cooperation. But I am confident issue-specific analysis of differential cooperation among regions, and concurrent cooperation on some security issues and non-cooperation on others within the same organisation, will likely find a positive association between SCs and security cooperation in different ROs. Little, if any, difficulty may be met in proving that sovereignty bargains are strategies by which states decide whether or not to cooperate on different security issues. This demonstrable practice in the EAC seems to apply to other developing-world ROs. Solving the puzzle of non-cooperation on transnational rebellions and cooperation on other security issues settles the puzzle of

1049 Nicholas J. Wheeler, 2002. *Saving Strangers: Humanitarian Intervention in International Society*. New York: Oxford University Press. Cf Kofi Annan, 2000. *We The Peoples: The Role of the United Nations in the Twenty-First Century – A Report of the Secretary General*, 54th Session, Agenda Item 49(b). A/54/2000. UN General Assembly.

1050 Wheeler, p. 1

regional security cooperation in the EAC beyond what other approaches would have solved. The EAC may be unique in its own right as an analytical category in International Security, Regionalism, and African Studies. But it offers useful empirical resources for learning about the relationship between SCs and security cooperation with potential for conceptual and empirical applicability within and beyond Africa.

Recommendations

The Neorealism-Neoliberalism debate on relative-absolute gains¹⁰⁵¹ may deepen our understanding of security cooperation when it pays attention to issue-specificity. Assume cooperation on rebellions: the state might gain less than it loses by not retaining its meta-political authority when foreign troops are deployed on its territory, when it becomes dependent upon the EAC to control its domestic security domain, or when it allows for penetrative interference in its domestic politico-security affairs in trying to address the causal and historical complexities of rebel conflicts. States whose troops and/or resources are used to pacify the region may appear as guarantors of domestic order in affected states, thereby gaining prestige as regional stabilisers or perhaps acquiring some regional hegemonic reputation. But all states can potentially lose or gain.

Conflict-prone states may lose more—becoming dependent; stable and peaceful ones may gain more—as securers. Given this gains-losses scenario, the relative-absolute gains debate might benefit from analysing such variables as *level of political stability* and its implications for relative and absolute gains considerations. Since both security cooperation and non-cooperation each have optimal and sub-optimal outcomes related to states' meta-political authority and improved security, I recommend a theoretical and analytic distinction between prosperity/optimality resulting from cooperation (neoliberal) and relative losses/gains resulting from cooperation on either coordination-problem or critical-sovereignty security issues (neorealist) as conceptualised in this study.

¹⁰⁵¹ Powell; Baldwin

In Stein's viewpoint, non-cooperation on transnational rebellions would lead to collective sub-optimality in the EAC: regional insecurity and elusive peace. Yet, my findings indicate that cooperation itself might lead to sub-optimality: loss of states' meta-political authority. Rationally, *states would not allow or engage in bargains and compromises that would lead to costly cooperation*. What appear, for neorealists, to be relative gains concerns, thus hindrances to cooperation, are indistinguishable from absolute gains from non-cooperation. SCs go beyond distinctions of who gains/loses more/less than whom. Therefore, I recommend further tests of the explanatory value of SCs in other contexts of security cooperation/non-cooperation. Beyond Litfin's and Mattli's efforts, we need studies within the neorealist-neoliberal debate that focus on transnational security cooperation.

Second, we need explanations for the emergence of cooperation where little or none existed before, as well as breakdowns in regional (e.g. the EAC in 1977) and systemic cooperation (like the "Twenty Years' Crisis" between the League of Nations and World War II: did Germany feel that League impositions violated its meta-political authority?¹⁰⁵²). McCormick holds that "high politics" in ROs creates greater cooperation difficulties than "low politics" in all-inclusive IOs.¹⁰⁵³ "High politics" seems to reflect states' fear to sacrifice meta-political authority at the altar of interdependence. And yet impositions beget future crises if we believe Carr's causal association between post-World War I/interwar settlement and World War II. Therefore, a good grasp of the influence of SCs on the nature and extent of regional and global cooperation would shed more light on the "low politics" (ease of cooperation)-"high politics" (difficulty of cooperation) distinction between ROs and IOs.

On "Just Cause Thresholds", I recommend a framework for measuring the opportunities and constraints (like civil society advocacy, modern communication technologies, aspects of war economies and warlordism, states' normative self-restraint) states and IOs/ROs face when determining these "Thresholds" for it remains an abstract

1052 Edward H. Carr, 1981/2001. *The Twenty Years' Crisis, 1919-1939: An Introduction to the Study of International Relations*. New York: Palgrave Macmillan; Mearsheimer.

1053 McCormick. The "High"- "Low" distinction indicates differences in levels of contentiousness between regional and global issues.

concept. While its minimum definition today—genocide, war crimes, ethnic cleansing, crimes against humanity—hardly applies to EAC partner states, this is not the reason for non-cooperation on rebellions as I demonstrated. It is not so much because rebel conflicts have not transformed to grave circumstances that states eschew cooperation on them but that states fear that cooperation is potentially inimical to their meta-political authority. What are the conceptual and practical challenges/constraints and opportunities for determining whether or not a state's internal security conditions warrant intervention? What are the moral and political intricacies of biasing intervention against state-led human rights violations when non-state actors can inflict even worse humanitarian damage? How do these difficulties affect our conceptualisation and analysis of agency?

Finally, more EAC-specific studies will broaden and deepen our understanding of security cooperation in the organisation. First, we need a conceptual distinction between elite concerns and interests on one hand and SCs on the other. Elite and national interests and concerns seem to be intertwined in current analyses.¹⁰⁵⁴ Following this conceptual clarity would be empirical analyses of the influence of these distinct [independent] variables on security cooperation/non-cooperation in the EAC. Moravcsik's analysis of "supranational entrepreneurs'" role in international cooperation might be a beginning point¹⁰⁵⁵: why do the EAC's supranational actors like Ruhangisa have difficulty convincing states that "Some of the issues which appear to be sensitive at national level may be less sensitive at regional level" and persuade them to cede "a certain amount of their sovereignty"¹⁰⁵⁶? Compared to other ROs' actors? If past international institutions make it easy for states to yield sovereignty to new institutions¹⁰⁵⁷, why do not EAC states yield some "amount of their sovereignty" in some realms yet the EAC was—and is—one of the most institutionalised ROs¹⁰⁵⁸? Beyond the sovereignty bargains-security cooperation

1054 Solingen; Kasule; Nathan

1055 Moravcsik

1056 Ruhangisa, p. 33

1057 Scott et al

1058 EAC Treaty

relationship I demonstrate, solving these and related questions and testing Solingen's coalition grand strategizing thesis, would enrich our understanding of security cooperation/non-cooperation in the EAC.

Quantitative approaches and models that operationalise and test the concept of SCs concerns across different ROs will be useful in examining the regularity of the association between SCs and security cooperation/non-cooperation outcomes across time and space. Although the number of ROs in the world is small, there are three potential ways in which quantitative investigations might be helpful. The first is to carry out a primary research involving administration of quantitative, close-ended, questionnaires, among Secretariats' officials and other organisational elites to establish regularities of their perceptions about SCs and their attendant sovereignty bargains. This would result in statistical regressions that establish correlations between identified variables. The second is to supplement the aforementioned statistical regressions based on primary-survey data with in-depth qualitative analyses of selected cases. Undertaking "nested analysis" is methodologically rigorous and facilitates the establishment of both correlational and causal relations between identified variables.¹⁰⁵⁹ The third is to develop game-theoretic models that capture the dynamics of sovereignty bargaining and strategic interactions among key actors during security agenda setting. These measures would supplement in-depth case analyses, such as this one, with existing studies like Acharya and other studies on ASEAN, and studies on ECOWAS and SADC. This is useful in establishing possible cross-linkages between collective action problems and SCs.

Second, a deeper investigation of why political federation and monetary union evoked intermediate SCs which engendered protracted bargains on these issues would enhance our understanding of sovereignty bargaining in the EAC. The preliminary findings that protracted bargains affected non-security issues present new research opportunities within and beyond my sovereignty bargaining framework. It may be helpful to falsify my argument by understanding whether or not states that allow foreign military forces on their territories do so voluntarily,

1059 Evan S. Lieberman, 2005. 'Nested Analysis as a Mixed-Method Strategy for Comparative Research.' *American Political Science Review*, 99 (3):435-452

expect benefits of doing so that outweigh their SCs, or are coerced to do so with no ability to resist the foreign power's pressure. How much pressure is tolerable within the realm of respect for state sovereignty, with regard to foreign military deployments, is worth empirical instigation. Future researchers should address this issue.

Third, why is not the EAC a single actor in international security affairs? I mentioned its nonparticipation in AMISOM as a single entity under the aegis of military cooperation. A single EAC-level response to AU and UN calls for mission troops and resources in Somalia, Sudan, and/or DRC, for instance, might carry greater political weight and legitimacy than Burundi's unilateral contribution. Such efforts might augment confidence-building in the EAC's defence cooperation and the APSA's call for regionalised security measures. Why do such regional measures elude the EAC but prevail in NATO which now addresses nonconventional security issues? Addressing these questions: (i) tests the efficacy of ongoing joint trainings and confidence-building measures among EAC partner states' defence forces; and (ii) compares southern and northern security regionalisms supplement to Hemmer and Katzenstein's and Acharya's works.

Advocates of regional security cooperation on issues that might evoke sovereignty concerns may need to quickly reassure states that their proposed cooperation measures will not erode the state system's sovereign foundations per se but that cooperation would enhance states' meta-political authority once the prevailing insecurity has been addressed and other benefits reaped. Advocates' views toward inconsistent cooperation are clear. They blame states and IOs—"global bystanders"—who should have prevented or stopped Rwanda's 1994 bloodbath, or punished crimes against humanity and war crimes in Syria since 2012.¹⁰⁶⁰ Perhaps advocates need to convince EAC Partner States to appreciate the linkage between rebellions, international terrorism, SALWs proliferation, and transnational insecurity. Joint security efforts are a vital learning experience for the EAC. Though transnational armed rebellions may inhere in internal affairs, non-cooperation on them negates

¹⁰⁶⁰ Wheeler, p. 1; UN Security Council, 2013 and 12014, *Resolution 2118(2013)* and *Resolution 2139(2014)*, New York: UNSC

cooperation on other issues. Political violence does not necessarily lead to better governance or development than it retards national and regional progress. For peace advocates, non-cooperation on such issues seems to border on complicity in retarding “regional peace and stability that is the bedrock of economic progress.”¹⁰⁶¹

Practitioners in international security and conflict resolution institutions should find these findings useful and applicable in several respects: (i) this study’s argument, findings, and analysis, may apply to non-security issues, such as political federation and monetary union in the EAC, which evoked intermediate SCs. These concerns gave rise to protracted bargains that have led to uncertainty on the future of cooperation in these issue-areas. Understanding the potential kinds of concerns that may inform interstate bargaining should be useful when planning to develop international regimes that may encroach on national sovereignty. (ii) The findings apply to and are relevant for practitioners who are intent on designing international/regional regimes and institutions, where none exist or are nascent and weak. For instance, designing a free trade area between Japan, China, Korea, or within the ASEAN region; security and non-security regionalism in the Middle East; and other areas, requires an appreciation of the sovereignty implications of these developments. The key actors, their interests, geostrategic factors, and how these relate to regional states’ sovereignty are key considerations here.

(iii) These findings are applicable when designing—and overcoming difficulties of—third party interventions in [transnational] civil/armed conflicts. The key actors within and without the state must be willing, or be convinced, to relax their SCs, risk at least some temporary compromises on their autonomy, control, and legitimacy, and allow external actors to temporarily control their domestic politico-security domains. This happened in Somalia, allowed the AMISOM to rescue the collapsed state, and may be valuable for addressing the current threat of the Islamic State in Iraq and the Levant (ISIL) that has gnawed at the marrow of world security beyond Northern Asia where it apparently originates from. (iv) This study may be useful in designing possible measures for

¹⁰⁶¹ EAC/SC/12/2008, Dir. 5 and 7, p. 4

handling ongoing, existing, transnational security problems, such as terrorisms, SALWs controls, piracy, money laundering, and pandemics. This study also seems to underscore the case for an Afro-Asian security cooperation framework on terrorism and piracy that has hardly acquired scholarly and policy attention, but whose empirical salience may not be hard to find. (v) It also applies when predicting states' responses to external influences in their domestic domains even when normative judgement may stress the necessity of such interventions.¹⁰⁶² For instance, states' responses to ICC activities in Africa and NATO's invasion of Libya in 2012 underscore the challenge of legitimising external interventions in states' internal affairs without first attending to affected states' SCs as well as their own intra-regional responses to the problem.¹⁰⁶³

The EAC's aspiration to a political federation is one of the most ambitious potential undertakings in contemporary regionalism. While different concerns in pre-colonial periods complicated this process, SCs in post-colonial East Africa still stifle East African federation¹⁰⁶⁴ whose achievement requires handling "sensitive" security and political issues. For instance, command and control over military forces or directing intelligence services, if combined, would render current difficulties on the political federation immaterial. For the EAC to become a federation it aspires to be, its governance structures and institutions must be strengthened and tested, including extending meaningful cooperation in the breadth and depth of the security realm.

A federated East Africa envisioned in the Treaty may have greater international bargaining power, become more competitive, and improve its geostrategic advantages. Political will—that supports the Treaty's "people-centred integration" and transcends "No Jurisdiction and Sovereignty Syndromes"¹⁰⁶⁵—is vital here. The "destiny of East

1062 John Charvet, 1997. 'The Idea of State Sovereignty and the Right of Humanitarian Intervention'. *International Political Science Review*, 18 (1):39-48; Jennifer Welsh, Carolin Thielking and S. Neil MacFarlane, 2002. 'The Responsibility to Protect: Assessing the Report of the International Commission on Intervention and State Sovereignty'. *International Journal*, 57 (4):489-512

1063 Edmond Keller and Donald Rothchild, eds., 1997. *Africa in the New International Order: Rethinking State Sovereignty and Regional Security*. Boulder, CO: Lynn Rienner

1064 Buell; Umbricht, *Multilateral Mediation*; Nabudere.

1065 Ruhangisa, p. 32

Africa”¹⁰⁶⁶—its security, stability, and socioeconomic prosperity—depends on holistic cooperation that a federation is envisaged to apex with. What still eludes the EAC today is the *effective* marshalling of “our initiatives, efforts, resources, and capabilities to collectively address the various defence and security challenges [that are now] facing the Community, and achieve a common goal of collective regional peace and stability that is the bedrock of economic progress.”¹⁰⁶⁷ The major hindrance to deeper regional integration in East Africa is state sovereignty. Its expression in both security and non-security affairs is not unbeknownst to major actors in the EAC.¹⁰⁶⁸ While security cooperation faces other challenges—dependence on foreign funding, states’ institutional weaknesses, limited coordination among EAC partner states and between the EAC and other organisations and states, geopolitical complexities, conflicting national interests, the complex international political economy of arms trade, limitations on the breadth and depth of defence cooperation, and persistent conflicts facing states in the EAC’s neighbourhood—states’ tenuous hold on sovereignty is the greatest hindrance to holistic security cooperation. While EAC partner states appreciate the relationship between security and socioeconomic prosperity they seem to be resilient against complete security cooperation. Holistic security cooperation offers holistic socioeconomic and politico-security benefits. Its attainment, I argue, lies in surmounting Sovereignty Concerns.

¹⁰⁶⁶ Buel, p 410; Harelimana, ‘The East African Political Federation’; EAC, *The East African Political Federation*

¹⁰⁶⁷ EAC/SC/12/2008, Dir. 5 and 7, pg.4.

¹⁰⁶⁸ Waffubwa; Kadonya

BIBLIOGRAPHICAL REFERENCES

I used Footnote Referencing. I list these References for clarity and documentation. References to these and other sources, including interviews, archives, newspaper and other media articles and sources, websites and grey publications, are contained in relevant footnotes.

Abbot, Kenneth W. and Duncan Snidal. 1998. 'Why States Act through Formal International Organizations'. *Journal of Conflict Resolution*, 42 (1):3-32

Acharya, Amitav and Alastair Iain Johnston. 2007 *Crafting Cooperation: Regional International Institutions in Comparative Perspective*, New York: Cambridge University Press

Acharya, Amitav and Evelyn Goh, eds. 2008. *Reassessing Security Cooperation in Asia-Pacific: Competition, Congruence and Transformation*. London and Cambridge Mass.: The MIT Press

Acharya, Amitav. 1992. 'Regional Military-Security Cooperation in the Third World: A Conceptual Analysis of the Relevance and Limitations of ASEAN'. *Journal of Peace Research*, 29 (1):7-21

Acharya, Amitav. 1997 'Ideas, Identity and Institution Building: From the 'ASEAN-Way' to ASIA-Pacific Way'. *Pacific Review*, 103(3): 319-46

Acharya, Amitav. 2007. 'The Emerging Regional Architecture of World Politics'. *World Politics*, 59 (4):629-652;

Acharya, Amitav. 2009. *Whose Ideas Matter? Agency and Power in Asian Regionalism*, Ithaca & London: Cornell University Press

Acharya, Amitav. 2011. 'Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism, and Rule-Making in the Third World'. *International Studies Quarterly*, 55: 95–123

Acholi Religious Leaders' Peace Initiative (ARLPI). 2008. 'Religious Leaders Role in Peaceful Resolution of the Conflict': Report of the Reflection Workshop on the Juba Peace Talks, for Religious and Cultural Leaders of Acholi Sub-Region, held at Ker Kalkwaro, Gulu: ARLPI

ARLPI. 2009a. *African Union Summit on Refugees and IDP's*, Kampala, 19-21 October. Gulu: ARLPI.

ARLPI. 2009b. 'Juba Peace Talks: Religious Leaders in Peace Resolution to the Conflict', (Online: <http://www.arlpi.org/juba-peace-talks>, Accessed 20 Nov. 2012). Gulu: ARLPI

ARLPI. 2010. 'Open Letter to President Barack Obama Regarding the "Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (S.1067/HR 2478)"', Gulu: ARLPI (from <http://www.arlpi.org/draft-pen>, 9 June 2012)

Adamthwaite, Anthony P. 2003. 'NATO After Fifty Years'. *Journal of Cold War Studies*, 5 (2):115-117

Adebajo, Adekeye. 2002. *Building Peace in West Africa: Liberia, Sierra Leone, and Guinea-Bissau*. Boulder, CO.: Lynne Rienner Publishers

Adedeji, Adebayo. 1999. 'Comprehending African Conflicts', in Adebayo Adedeji, ed. *Comprehending and Mastering African Conflicts: The Search for Sustainable Peace and Good Governance*. London & New York: Zed Books

Adibe, Clement E. 1997. 'The Liberian Conflict and the ECOWAS-UN Partnership'. *Third World Quarterly* 18 (3):471-488

Adibe, Clement E. 2003. 'Do Regional Organisations Matter? Comparing the Conflict Management Mechanisms in West Africa and the Great Lakes Region', in Jane Boulden. *Dealing with Conflict in Africa: The United Nations and Regional Organisations*. New York: Palgrave, pp. 79-108.

Adler, Emanuel, and Michael Barnett, eds. 1998. *Security Communities*. Cambridge Mass: Cambridge University Press

African Development Bank (AfDB). 2009. *Africa Development Report 2008/2009: Conflict Resolution, Peace and Reconstruction in Africa*, Oxford: Oxford University Press (for the AfDB)

African Leadership Forum. 1991. *The Kampala Document: Toward a Conference on Security, Stability, and Development Cooperation in Africa*, Lagos: ALF & Addis Ababa: OAU (accessed 30 July 2013, from <http://www.africaleadership.org/rc/the%20kampala%20document.pdf>, 15 Oct. 2012)

African Union (AU). 2000. *Constitutive Act of the African Union*. Addis Ababa: AU

AU. 2000a. Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. Bamako and Addis Ababa: AU

AU. 2000b. *CCSDA Solemn Declaration* (CSSDCA, at AHG/Decl.4 (XXXVI), Lome/Addis Ababa: AU (accessed 30 July 2013, from: <http://www.peaceau.org/uploads/ahg-decl-4-xxxvi-e.pdf>)

AU. 2002. African Peace and Security Architecture (APSA). Addis Ababa: AU

AU. 2002. Protocol Relating To the Establishment of the Peace and Security Council of the African Union. Addis Ababa: AU

AU. 2002. *Report of the Secretary-General on the Implementation of the CSSDCA* (to the 76th Ordinary Session of Council of Ministers - CM/2243(LXXCI) Rev.1). Durban: AU

AU. 2004. Framework for a Common African Defence and Security Policy. Addis Ababa: AU

AU. 2004. *Protocol to the OAU Convention on the Prevention and Combating of Terrorism*. Addis Ababa: AU

AU. 2004. Solemn Declaration on a Common African Defence and Security Policy, Sirte/Addis Ababa: AU

AU. 2005. African Union Non-Aggression and Common Defence Pact. Addis Ababa: AU

AU. 2008. Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa. Addis Ababa: AU

AU. 2010. *African Peace and Security Architecture (APSA): Assessment Study*. Addis Ababa: African Union Security Council (accessed from <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/RO%20African%20Peace%20and%20Security%20Architecture.pdf>, 4 February 2013)

AU. 2012. *Regional Economic Communities*. Addis Ababa: AU (<http://www.africaunion.org/root/au/recs/eac.htm>, accessed 2 February 2012)

Agnew, John. 1994. 'The Territorial Trap: The Geographical Assumptions of International Relations Theory'. *Review of International Political Economy* 1 (1):53-80

Agnew, John. 2005. 'Sovereignty Regimes: Territoriality and State Authority in Contemporary World Politics.' *Annals of the Association of American Geographers*, 95 (2):437-461

Ajuli, Rok. ed. 2005. *The Making of a Region: The Revival of the East African Community*, Midrand: Institute for Global Dialogue

Anangwe, Alfred. 2006. 'International Terrorism and East African sub-regionalism: Developing a Sub-regional Tourism Industry in the Face of War', *African Journal of International Affairs*, 7 (1&2):81-97

Andrew E.G. Jonas, 2011, 'Region and Place: Regionalism in Question', *Progress in Human Geography*, 36 (2):263-272 (p. 264)

Aning, Kwesi. 2009. 'African Counterterrorism Cooperation: Assessing Regional and Subregional Initiatives (Review)'. *African Studies Review*, 52 (1):185-186

Annan, Kofi. 2000. *We The Peoples: the Role of the United Nations in the Twenty-First Century – A Report of the Secretary General*, 54th Session, Agenda Item 49(b). A/54/2000. UN General Assembly

Anyang-Nyong'O, Peter. 2014. 'Governance in Africa: Challenges for the next 50 years'. *Development*, 56 (3):308-314

Arase, David. 2010. 'Non-Traditional Security in China-ASEAN Cooperation: The Institutionalization of Regional Security Cooperation and the Evolution of East Asian Regionalism'. *Asian Survey*, 50 (4):808-833.

Association of Southeast Asian Nations (ASEAN). 2009. *ASEAN Political-Security Community Blueprint*. Jakarta: ASEAN

Atkinson, Ronald. 2009 (Tue., 2 June). 'Revisiting 'Operation Lightning Thunder'', Kampala: *The Independent* (<http://www.independent.co.ug/index.php/column/insight/67-insight/1039-revisiting-operation-lightning-thunder-> (accessed 21 June 2012)

Atkinson, Ronald. 2009. *From Uganda to the Congo and Beyond: Pursuing the Lord's Resistance Army*. New York: International Peace Institute

Axelrod, Robert and Robert O. Keohane. 1985. 'Achieving Cooperation under Anarchy: Strategies and Institutions', *World Politics*, 38 (1):226-254

Aydinli, Ersel and Hasan Yön. 2011. 'Transgovernmentalism Meets Security: Police Liaison Officers, Terrorism, and Statist Transnationalism'. *Governance: An International Journal of Policy, Administration, and Institutions*, 24 (1):55–84

Azikiwe, Abayomi. 2013 (13 March). 'Kenyatta wins Kenya elections: Pressure from U.S., Britain and ICC backfires'. *Workers' World*. (2014<http://www.workers.org/articles/2013/03/13/kenyatta-wins-kenya-elections-pressure-from-u-s-britain-and-icc-backfires/>, accessed 19 October)

Bachmann, Veit and James D. Sidaway. 2010. 'African Regional Integration and European Involvement: External Agents in the East African Community', *South African Geographical Journal*, 92 (1):1–6

Bachrach, Peter, and Morton S. Baratz. 1962. 'Two Faces of Power'. *The American Political Science Review*, 56 (4):947-952

Bah, A. Sarjoh. 2009. 'The Evolution of Regional and Sub-regional Collective Security Mechanisms in Post-Cold War Africa'. In Bruce D Jones, by Shepard Forman, and Richard Gowan. *Cooperating for Peace and Security: Evolving Institutions and Arrangements in a Context of Changing U.S. Security Policy*. Cambridge: Cambridge University Press, pp. 269-290

Baldwin, David A. 1995. 'Security Studies and the End of the Cold War'. *World Politics*, 48 (1):117-141

Baldwin, David A. ed. 1993. *Neorealism and Neoliberalism: The Contemporary Debate*. Columbia: Columbia University Press

BDOHP Biographical Details and Interview Index: BUIST, John Latto Farquharson (Ian) (from <http://www.chu.cam.ac.uk/archives/collections/BDOHP/Buist.pdf>, accessed 27 Jan. 2012);

Bearce, David H., Katherine M. Floros and Heather Elko McKibben. 2009. 'The Shadow of the Future and International Bargaining: The occurrence of bargaining in a Three-Phase Cooperation Framework'. *The Journal of Politics*, 71 (2):719-732

Bellamy, Alex J. and Paul D. Williams. 2005. 'Who's Keeping the Peace? Regionalization and Contemporary Peace Operations.' *International Security*, 29 (4):157-195

Bially, Janice Lisa. 1998. *The Power Politics of Identity*. PhD thesis: Yale University

Biersteker, Thomas J. and Cynthia Weber, eds., 1996. *State Sovereignty as Social Construct*. Cambridge: Cambridge University Press

Bilton, Philip. 2001. 'Angola's Political Economy of War: The Role of Oil and Diamonds, 1975-2000'. *African Affairs*, 100 (389):55-80

- Birt, Raymond. 1993. 'Personality and Foreign Policy: The Case of Stalin'. *Political Psychology*, 14 (4):607-625
- Bolton, John R. 2000a. 'Is there Really Law in International Affairs?', *Transnational Law and Contemporary Problems*, 10: 1-48
- Bolton, John R. 2000b. 'Should We take Global governance Seriously?', *Chicago Journal of International Law*, 1 (2):206-221.
- Bolton, John R. 2001. 'The Risks and the Weaknesses of the International Criminal court from America's Perspective', *Virginia Journal of International Law*, 41: 186-203
- Boulden, Jane, ed. 2003. *Dealing with Conflict in Africa: The United Nations and Regional Organisations*. New York: Palgrave
- Boveand, Vincenzo and Leandro Elia. 2011. 'Supplying Peace: Participation in and Troop Contribution to Peacekeeping Missions'. *Journal of Peace Research*, 48 (6):699-714
- Buell, Raymond Leslie. 1928. 'The Destiny of East Africa'. *Foreign Affairs*, 6 (3):408-26
- Bull, Hedley. 1977. *The Anarchical Society: A Study of Order in World Politics*. New York: Columbia University Press
- Bull, Hedley. Ed. 1987. *Intervention in World Politics*. Clarendon Press
- Büthe, Tim. 2004. 'Governance through Private Authority: Non-State Actors in World Politics.' Review. *Journal of International Affairs*, 58 (1):281-290
- Butler, Christopher K. 2007. 'Prospect Theory and Coercive Bargaining'. *Journal of Conflict Resolution*, 51 (2):227-250.
- Byers, Michael and Georg Nolte. 2003. *United States Hegemony and the Foundations of International Law*, Cambridge: Cambridge University Press, pp. 148-9
- Caroll, Berenice A. 1969. 'How Wars End: An Analysis of Some Current Hypotheses'. *Journal of Peace Research*, 6 (4):295-320
- Carr, Edward Hallett. 1981/2001. *The Twenty Years' Crisis, 1919-1939*. New York: Palgrave Macmillan
- Camilleri, Joseph A. and Jim Falk. 1992. *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World*. Aldershot: E Elgar
- Central Intelligence Agency (CIA). 2012. *World Fact Book* (from <https://www.cia.gov/library/publications/the-world-factbook/geos/by.html>, 21 June 2012)

Charles Kakooza, 2010 (24 Janury), 'Kenya and Uganda now Want Monetary Union Delayed', *The East African* (available at <http://mobile.theeastafrican.co.ke/News/-/433842/848434/-/format/xhtml/item/1/-/r4wb14z/-/index.html>, 14 October 2013)

Charvet, John. 1997. 'The Idea of State Sovereignty and the Right of Humanitarian Intervention'. *International Political Science Review*, 18 (1):39-48

Chen, Baizhu, Yi Feng and Cyrus Masroori. 1996. 'Collective Action in the Middle East? A Study of Free-Ride in Defense Spending.' *Journal of Peace Research*, 33 (3):323-339

Chikwanha, Annie Barbara. 2007 (18 Oct.). 'The Anatomy of Conflicts in the East African Community: Linking Security With Development', Keynote speech to Development Policy Review Network-African Studies Institute, Leiden University, The Netherlands

Claude, Inis L., Jr., 1964. *Swords into Plowshares: The Problems and Progress of International Organization*. New York: Random House

Clunan, Anne and Harold G Trinkunas, eds. 2010. *Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty*. Stanford, Ca: Stanford University Press

Collier, David. 2011. 'Understanding Process-Tracing', *PS: Political Science and Politics*, 44 (4):823-830

Collier, Paul and Anke Hoeffler. 2002. *Greed and Grievance in Civil War*. Oxford: World Bank – CSAE WPS/2002-01

Cooper, Scott, Darren Hawkins, Wade Jacoby, and Daniel Nielson, 2008, 'Yielding Sovereignty to International Institutions: Bringing System Structure Back In', *International Studies Review*, 10 (3):501-524

Cui, Shunji. 2013. 'Beyond History: Non-Traditional Security Cooperation and the Construction of Northeast Asian International Society'. *Journal of Contemporary China*, 22 (83):868-886

Curtis, Devon. 2012. 'The International Peace-building Paradox: Power Sharing and Post-Conflict Governance in Burundi'. *African Affairs*, 112 (446):72-91

Daalder, Ivo, and James Goldgeier. 2006. 'Global NATO'. *Foreign Affairs*, 85 (5):105-113

David Booth and Frederick Golooba-Mutebi, 2013, 'Developmental Patrimonialism? The Case of Rwanda'. *African Affairs*, 111 (444):379-403

Davoodi, Hamid R. 2012. 'The East African Community After Ten Years: Deepening Integration', IMF (online: <http://www.imf.org/external/np/afr/2012/121712.pdf>, 6 Nov. 2013)

De Jong, Ferdinand and Geneviève Gasser. 2005. 'Contested Casamance: Introduction. *Canadian Journal of African Studies*, 39 (2):213-229

De Waal, Alex. 2009. 'Mission without end? Peacekeeping in the African political marketplace', *International Affairs*, 85 (1):99-113

Delvin, Robert and Ricardo Ffrench-Davis. 1999. *Towards an Evaluation of Regional Integration in Latin America in the 1990s*. BID-INTAL: Buenos Aires

Deng, Francis M., Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, I. William Zartman. 1996. *Sovereignty as Responsibility: Conflict Management in Africa*. Washington, DC: Brookings Institution

Department of State, USA. 1993-2003. *Patterns of Global Terrorism: 10 Reports: 1993-2003*. Washington DC: US Department of State (USDS) [Office of the Secretary of State - Office of the Coordinator for Counterterrorism] (available at: <http://onlinebooks.library.upenn.edu/webbin/serial?id=patglobalterror> and US State Department Archives.

Department of State, USA. 2004. *Country Reports on Terrorism*. Washington DC: USDS

Department of State, USA. 2005. *Country Reports on Terrorism*. Washington DC: USDS

Department of State, USA. 2006. *Country Reports on Terrorism*. Washington DC: USDS

Department of State, USA. 2008. *Country Reports on Terrorism*. Washington DC: USDS

Department of State, USA. 2010. *Country Reports on Terrorism*. Washington DC: USDS

Department of State, USA. 2010. *Patterns of Global Terrorism*. Washington DC: USDS

Department of State, USA. 2011. *Country Reports on Terrorism*. Washington DC: USDS

Department of State, USA. 2012. *Country Reports on Terrorism*. Washington DC: USDS

Department of State, USA. 2013. *Country Reports on Terrorism*. Washington DC: USDS

Deutsch, Karl Wolfgang, Sidney A. Burrell, and Robert A. Kann. 1957. *Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience*. Princeton NJ: Princeton University Press

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). 2012. *EAC-GIZ Program 'Promotion of Peace and Security'*. Arusha: GIZ

Djibouti, Republic of. 2008. *Agreement between Transitional Federal Government of Somalia, and Alliance for the Re-Liberation of Somalia*, Djibouti, 9 June 2008. Djibouti: Republic of Djibouti

Donnelly, Jack. 1985/2012. *Universal Human Rights in Theory and Practice*, 3rd Edn. Ithaca and London: Cornell University Press

Donowaki, Misturo. 1997. 'Developing Arms Transparency: The Future of the United Nations Register', in Malcolm Chalmers, M. Donowaki & Owen Greene, *Bradford Arms Register Studies No. 7*. Univ. of Bradford, pp. 207-211.

Donowaki, Mitsuro. 2004 (20-21 May). 'Small Arms, Africa and the United Nations (Ten Years of Interaction between Africa and the UN)', presentation to "The PoA National Reporting Workshop. Nairobi: POA.

Drezner, Daniel W. 2000. 'Bargaining, Enforcement, and Multilateral Sanctions: When is Cooperation Counterproductive?'. *International Organization*, 54 (1):73-102

Drummond, Paul and Gustavo Ramirez. 2009. *Spillover Effects and the East African Community: Explaining the Slowdown and Recovery*, Washington DC: IMF (<http://www.imf.org/external/pubs/ft/dp/2009/afr0902.pdf>, accessed 21 January 2012)

Duner, Bertil. 1981. 'Proxy Intervention in Civil Wars'. *Journal of Peace Research*, 18 (4):353-3661

East African Community (EAC). 1984. Agreement for the Division of Assets and Liabilities of the former East African Community. Arusha: EAC

EAC. 1993. Agreement for the Establishment of the Permanent Tripartite Commission for Cooperation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania. Arusha: EAC

EAC. 1994. Protocol on the Establishment of the Secretariat of the Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania. Arusha: EAC

EAC. 1996. Headquarters Agreement between the Secretariat of the Permanent Tripartite Commission and the United Republic of Tanzania. Arusha: EAC

EAC. 1997. Tripartite Agreement on Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. Arusha: EAC

EAC. 1998. Memorandum of Understanding on Cooperation in Defence Affairs. Arusha: EAC (adapted to the Treaty, 2001)

EAC. 1998. Memorandum of Understanding on Co-operation on Environment Management. Arusha: EAC

EAC. 1999. Memorandum of Understanding on Foreign Policy Co-ordination. Arusha: EAC

EAC. 1999. Treaty for the Establishment of the East African Community. Arusha: EAC

EAC. 2001. First Meeting of the Council of Ministers: Report of Council (EAC/CM/01/2001). Arusha: EAC

EAC. 2001. Protocol on Decision Making by the Council of the East African Community. Arusha: EAC

EAC. 2001. Tripartite Agreement on Road Transport. Arusha: EAC

EAC. 2002. Tripartite Agreement on Inland Waterways Transport. Arusha: EAC

EAC. 2004. 14th Meeting of Council of Ministers: Report of Meeting (EAC/CM 14/2007). Arusha: EAC

EAC. 2004. 7th Meeting of Council of Ministers: Report of Meeting (EAC/CM7/07/2004). Arusha: EAC

EAC. 2004. Protocol for the Establishment of the East African Community Customs Union. Arusha: EAC

EAC. 2005. 10th Meeting of Council of Ministers: Report of Meeting (EAC/CM 10/2005). Arusha: EAC

EAC. 2005. Report of Meeting of Sectoral Committee on Cooperation in Defence Affairs (EAC/SR/27/2005). Arusha: EAC

EAC. 2006. 12th Meeting of Council of Ministers: Report of Meeting (EAC/CM 12/2006). Arusha: EAC

EAC. 2006. 13th Meeting of the Council of Ministers: Report of the Meeting (EAC/CM 13/2006). Arusha: EAC

EAC. 2006. Strategy for Regional Peace and Security in the East African Community. Arusha: EAC

EAC. 2007. 11th Meeting of Sectoral Council of Ministers: Report of Meeting (EAC/SC/11/2007 Decisions 9-15, Ref: EAC/CM 14/2007). Arusha: EAC

EAC. 2007. 14th Meeting of Council of Ministers: Report of Meeting (EAC/CM 14/2007). Arusha: EAC

EAC. 2007. 14th Ordinary Council of Ministers Meeting (EAC/CM 14/2007 & EAC/SC/11/2007 Decisions 9-15). Arusha: EAC

EAC. 2007. Protocol for the Establishment of the East African Community Common Market. Arusha: EAC

EAC. 2008 (30 Dec.). *East African Community Gazette*, Vol. AT1 - No. 005. Arusha: EAC

EAC. 2008. 12th Meeting of Sectoral Council on Defence and Peace and Security Cooperation: Report of Meeting (EAC/SC/12/2008 (Dir. 5 and 7)). Arusha: EAC

EAC. 2008. *Gazette* Volume AT 1, No. 005. Arusha: EAC

EAC. 2009 (10 Nov.). Meeting of the Consultative Committee on Cooperation in Defence Affairs: Report of the Meeting (Doc. EAC/SC/12/2008, Dir. 5 and 7). Arusha: EAC

EAC. 2009 (10 Nov.). Minutes of the EAC Meeting of the Consultative Committee, on Cooperation in Defence Affairs: Report of the Meeting. Arusha: EAC

EAC. 2009. 18th Meeting of Council of Ministers: *Report of the Meeting* (EAC/CM/18/Decision 55 and EAC/CM 18/CC/2009). Arusha: EAC.

EAC. 2009. 19th Ordinary Council of Ministers: Report of Meeting (EAC/CM19/2009). Arusha: EAC

EAC. 2009. Meeting of the Consultative Committee on Cooperation in Defence Affairs: Minutes of Meeting, (Appendix: EAC/SC/12/2008, Dir. 5 and 7). Arusha: EAC

EAC. 2010. The East African Political Federation: Addressing East Africans' Fears, Concerns and Challenges and Consolidating its Pillars – A Report by a Team of Experts. Arusha: EAC

EAC. 2011. 13th Summit of Heads of State: Report of the Summit (Ref: EAC/SHS 13/2011). Arusha: EAC

EAC. 2011. Report on the 13th Summit of Heads of States (EAC/SHS 13/2011) - Appendix IX: Report of Council of Ministers on Regional Defence, Peace and Security, pp. 2-15. Arusha: EAC

EAC. 2012 (20 Jan.). *East African Community Gazette*, Vol. AT 1 - No. 2 (EAC/SHS 13/Decision 05). Arusha: EAC

EAC. 2012. Protocol on Cooperation in Defence Matters, Arusha: EAC

EAC. 2012. Protocol on Peace and Security Cooperation. Arusha: EAC

EAC. 2013. 28th Meeting of the Council of Ministers (AC/CM/28/2013 & EAC/SC/21/2013/Decision 2). Arusha: EAC.

EAC. [2012]. Status of Forces Agreement between the Partner States of the East African Community. Arusha: EAC (appended to Defence Protocol, undated)

East African Court of Justice (EACJ). 2010. Plaxeda Rugumba Vs. Secretary General of the East African Community and the Attorney General of the Republic of Rwanda (Ref. No. 8 of 2010). Arusha: EACJ

EACJ (Appellate Division). 2012 (15 March). *Attorney General of the Republic of Kenya Vs. Independent Medico-Legal Unit*. Appeal No. 1 of 2011 – Judgement of Court. Arusha: EACJ

EACJ. 2007. James Katabazi and 21 Others Vs. Secretary General of the East African Community and the Attorney General of the Republic of Uganda (Ref. No. 1 of 2007). Arusha: EAC

EACJ. 2011 (29 June). Independent Medical [Legal] Unit Vs The Attorney General of the Republic of Kenya, Minister of Internal Security of the Republic of Kenya, the Chief of General Staff of the Republic of Kenya, the Commissioner of Police of the Republic of Kenya, and the Secretary General of the East African Community. Ref. No. 3 of 2010 – Ruling of the Court. Arusha: EACJ

EACJ. 2012. Republic of Rwanda Rwanda Vs Plaxeda Rugumba (Appeal No. 1 of 2012: Judgement of Court). Arusha: EACJ

East African Legislative Assembly (EALA). 2003. *EALA Debates/Hansard*, 20-21 May 2003. Arusha: EALA

EALA. 2004. *EALA Debates/Hansard*, 24 Nov. 2004. Arusha: EALA

EALA. 2008. *EALA Debates/Hansard*, 21 February 2008. Arusha: EALA

EALA. 2010. *EALA Debates/Hansard*, 22 April 2010. Arusha: EAC.

Earle, Edward M. 1921. 'The Eastern Question and Its Solution by Morris Jastrow'. *The Journal of International Relations*, 11 (3):505-509

- Eckstein, Harry. 1975. 'Case Studies and Theory in Political Science', in Fred I. Greenstein & Nelson W. Polsby, Eds. *Handbook of political science. Political science: Scope and theory* (Vol. 7, pp. 94-137), Reading, MA: Addison-Wesley
- Edward D Mansfield and Etel Solingen, 2010, 'Regionalism'. *Annual Review of Political Science* 13 (1):145-163
- Edward D. Mansfield and Helen V. Milner, 1999, 'The New Wave of Regionalism'. *International Organization*, 53 (3):589-627
- Elster, Jon. 1985. 'Rationality, Morality, and Collective Action.' *Ethics*, 96 (1):136-155
- Emmers, Ralph. 2003. *Cooperative Security and the Balance of Power in ASEAN and ARF*. New York: Routledge Curzon
- Englebert, Pierre and Denis M. Tull. 2008. 'Postconflict Reconstruction in Africa: Flawed Ideas about Failed States.' *International Security*, 32 (4):106-139
- Ernst, Zachary and Sara Rachel Chant. 2007. 'Collective Action as Individual Choice'. *Studia Logica: An International Journal for Symbolic Logic*, 86 (3):415-434
- Fall, Aïssatou. 2010. 'Understanding The Casamance Conflict: A Background', *KAIPTC Monograph No. 7* (available: <http://www.kaiptc.org/Publications/Monographs/Monographs/Monograph-7-Aissatou.aspx>, 30 June 2013).
- Fearon, James D. 1998. 'Bargaining, Enforcement and International Cooperation'. *International Organization*, 52 (2):269-305
- Fearon, James D. and Laitin, David Laitin. 2003. 'Ethnicity, Insurgency and Civil War'. *American Political Science Review*, 97 (1):75-90
- Ferguson, Yale H. and Richard W. Mansbach. 1996. *Politics: Authority, Identities, and Change*. Columbia: University of South Carolina Press
- Findley, Michael G. and Joseph K. Young. 2012. 'Terrorism and Civil War: A Spatial and Temporal Approach to a Conceptual Problem'. *Perspectives on Politics*, 10 (2):285-305
- Finley, Brian, Johan Bergen, and Veronica Tessler. 2010. *Beyond Boundaries in Eastern Africa: Bridging the Security/Development Divide With International Security Assistance*, Washington DC/Muscatine IA: The Stimson Center/Stanley Foundation
- Fischer, Markus. 1997. 'Machiavelli's Political Psychology.' *The Review of Politics*, 59 (4): 789-829
- Fisher, Jonathan. 2012. 'Managing Donor Perceptions: Contextualizing Uganda's 2007 Intervention in Somalia'. *African Affairs*, 111 (444):404-423

- Franceschet, Antonio. 2001. 'Sovereignty and Freedom: Immanuel Kant's Liberal Internationalist 'Legacy''. *Review of International Studies*, 27 (2):209-228.
- Franke, Benedikt. 2010. 'Précis of Security Cooperation in Africa: a Reappraisal'. *African Security Review*, 19 (2):84-96
- Fravel, Taylor. 2005. 'Regime Insecurity and International Cooperation: Explaining China's Compromises in Territorial Disputes'. *International Security*, 30 (2):46-83
- Frazier, Derrick and Robert Stewart-Ingersoll. 2010. 'Regional powers and security: A framework for understanding order within regional security complexes'. *European Journal of International Relations*, 16 (4):731-753
- Gaubatz, Kurt Taylor. 2001. 'The Hobbesian Problem and the Microfoundations of International Relations Theory.' *Security Studies*, 11 (2):164-86
- Gerring, John. 2005. 'Causation: A Unified Framework for the Social Sciences'. *Journal of Theoretical Politics*, 17 (2):163-198
- Gerring, John. 2007. 'Is There a (Viable) Crucial-Case Method?' *Comparative Political Studies*, 40 (3):231-253
- Gersonny, Robert. 1997. *The Anguish of Northern Uganda: Results of a Field-Based Assessment of the Civil Conflict in Northern Uganda*. Kampala: USAID Mission.
- Ghai, Dharam. 1983. 'The Association Agreement between the European Economic Community and the Partner States of the East African Community'. *Journal of Common Market Studies*, 12 (1):78-103
- Gitelson, Susan Aurelia. 1973. 'Can the U.N. be an Effective Catalyst for Regional Integration? The Case of the East African Community'. *The Journal of Developing Areas*, 8 (1):65-82
- Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ). 2011. *EAC-GIZ Peace and Security Program: Curbing the Proliferation of SALWs and Strengthening the EAC Peace and Security Department*. Arusha: GIZ
- GIZ. 2012. *EAC-GIZ Program 'Promotion of Peace and Security'*. Arusha: GIZ
- Glaser, Charles L. 1994/5. 'Realists as Optimists: Cooperation as Self-Help'. *International Security*, 19 (3):50-90
- Gleditsch, Kristian Skrede and Kyle Beardsley. 2004. 'Nosy Neighbors: Third-Party Actors in Central American Conflicts'. *The Journal of Conflict Resolution*, 48 (3):379-402
- Gleditsch, Kristian Skrede, Idean Salehyan and Kenneth Schultz. 2008. 'Fighting at Home, Fighting Abroad: How Civil Wars Lead to International Disputes'. *The Journal of Conflict Resolution*, 52 (4):479-506

- Gleditsch, Kristian Skrede. 2007. 'Transnational Dimensions of Civil War', *Journal of Peace Research*, 44 (3):293-309
- Godkin, Edwin L. 1877. 'The Eastern Question'. *The North American Review*, 124 (254):106-126
- Goh, Gillian. 2003. 'The 'ASEAN Way' Non-Intervention and ASEAN's Role in Conflict Management'. *Stanford Journal of Southeast Asian Studies*, 3 (1):113-118
- Government of South Sudan (GoSS). 2006. Agreement on Cessation of Hostilities between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement. Juba: GoSS
- GoSS. 2008a. Agreement on a Permanent Ceasefire [between Uganda and LRA]. Juba: GoSS
- GoSS. 2008b. Agreement on Implementation and Monitoring Mechanisms, Juba: GoSS.
- Government of Italy. 1992. General Peace Agreement for Mozambique. Rome: Saint' Egidio. (From <http://www.incore.ulst.ac.uk/services/cds/agreements/pdf/moz4.pdf>, 12 Oct. 2013).
- Grieco, Joseph M .1993. 'Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism', in Baldwin, *Neorealism and Neoliberalism*, pp. 116-135
- Gros, Jean-Germain.1996. Toward a Taxonomy of Failed States in the New World Order: Decaying Somalia, Liberia, Rwanda, and Haiti. *Third World Quarterly*, 17 (3):455-472
- GTZ. 2008. Mid-Term Review: Curbing SALWs Proliferation in the East African Community Region (Project No. 2003.2254.5-001.00), Arusha: GTZ
- Haas, Ernst B. 1958. 'The Challenge of Regionalism'. *International Organization*, 12 (4):440-458
- Haas, Ernst B. 1958. *The Uniting of Europe; Political, Social, and Economic Forces, 1950-1957*. Stanford: Stanford University Press
- Haas, Ernst B. 1964. *Beyond the Nation-State: Functionalism and International Organisation*, Stanford, Cal.: Stanford University Press
- Haftel, Yoram Z. and Alexander Thomson. 2006. 'The Independence of International Organizations: Concept and Applications'. *The Journal of Conflict Resolution*, 50 (2):253-275
- Hammerstad, Anne. 2005. 'Domestic Threats, Regional Solutions? The Challenge of Security Integration in Southern Africa'. *Review of International Studies*, 31 (1):69-87
- Hardin, Garrett. 1968. 'The Tragedy of the Commons'. *Science*, New Series, 162 (3859):1243-12481
- Harelimana, Abdulkarim. 2011 (2 June). 'The East African Political Federation: Addressing Fears, Concerns and Challenges', presented to EALA Symposium 10th Anniversary. Arusha; EAC

Hashmi, Sohail H., ed. 1997. *State Sovereignty: Change and Persistence in International Relations*. University Park, PA: Penn State Press

Hawkins, Darren G., David A Lake, Daniel L. Nielson, and Michael J. Tierney, eds. 2006. *Delegation and Agency in International Organizations*. Cambridge CB: Cambridge University Press

Hazlewood, Arthur. 1979. 'The End of the East African Community: What are the Lessons for Regional Integration Schemes?'. *Journal of Common Market Studies*, XVIII (1):40-58

Helman, Gerald B. and Steven R. Ratner. 1992/3. 'Saving Failed States.' *Foreign Affairs*, 89: 3-20

Hemmer, Christopher and Peter J Katzenstein. 2002. 'Why is there no NATO in Asia? Collective Identity, Regionalism, and the Origins of Multilateralism', *International Organization*, 56 (3):575-607;

Hentz, James J. 2014, ed. *Routledge Handbook of African Security*. London and New York: Routledge.

Herbst, Jeffrey. 2000. 'Economic Incentives, Natural Resources and Conflicts in Africa'. *Journal of African Economies*, 9 (3):270-288

Herbst, Jeffrey. 2000. *States and Power in Africa: Comparative Lessons in Authority and Control*. Princeton NJ: Princeton University Press

Hobbes, Thomas. 1651. *Leviathan*. Ed.: Edwin Curley, 1994. Hacket: Indianapolis. In Gaubtz, 'The Hobbesian Problem and the Microfoundations of International Relations Theory.' Op Cit

Hoefler, Anke. 2008. 'Dealing with the Consequences of Violent Conflicts in Africa: Background Paper for the African Development Bank Report 2008.' Oxford: Centre for the Study of African Economies

Horowitz, Donald L. 1985. *Ethnic Groups in Conflict*. Berkeley and LA: University of California Press

Howard, Michael. 1989. 'Ideology and International Relations'. *Review of international Studies*, 15 (1):1-10

Hurrell, Andrew. 1995. 'Explaining the Resurgence of Regionalism in World Politics'. *Review of International Studies* 21 (4):331-358;

International Conference on the Great Lakes Region (ICGLR). 2004. Declaration on Peace, Security, Democracy and Development in the Great Lakes Region (Dar es Salaam Declaration). Dar e Salaam: ICGLR

ICGLR. 2006. Protocol on Democracy and Good Governance. Bujumbura: ICGLR.

ICGLR. 2006 (amended 2012). The Pact on Security, Stability and Development in the Great Lakes Region. Bujumbura: ICGLR.

ICGLR. 2006. Protocol on Against the Illegal Exploitation of Natural Resources. Bujumbura: ICGLR.

ICGLR. 2006. *Protocol on Judicial Cooperation*. Bujumbura: ICGLR.

- ICGLR. 2006. Protocol on Management of Information and Communication. Bujumbura: ICGLR.
- ICGLR. 2006. Protocol on Non-aggression and Mutual Defense in the Great Lakes Region. Bujumbura: ICGLR.
- ICGLR. 2006. Protocol on Prevention and Suppression of Sexual Violence Against Women and Children. Bujumbura: ICGLR.
- ICGLR. 2006. Protocol on Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination. Bujumbura: ICGLR.
- ICGLR. 2006. Protocol on Property Rights of Returning Persons. Bujumbura: ICGLR.
- ICGLR. 2006. Protocol on Protection and Assistance to Internally Displaced Persons. Bujumbura: ICGLR.
- ICGLR. 2006. Protocol on the Specific Reconstruction and Development Zone. Bujumbura: ICGLR.
- ICGLR. 2014. 'The ICGLR Secretariat presents to the RIMC its two Years achievement report'. Bulletin, Ed. 59 (http://www.ugandamissionunnnny.net/ICGLR_Bulletin_ENG..pdf, 20 Oct. 14)
- Institute for Economics and Peace (IEP). 2012. *Patterns of Global Terrorism: Capturing the Impact of Terrorism from 2002 – 2011*. Maryland: National Consortium for the Study of Terrorism and IEP. (available: <http://reliefweb.int/sites/reliefweb.int/files/resources/2012-Global-Terrorism-Index-Report.pdf>, 6 June 2014)
- International Crisis Group. 2012. Implementing Peace and Security Architecture (I): Central Africa Crisis Group Africa Report N°181 (7 November 2011). Brussels: ICG
- Jackson, Robert H. 1990. *Quasi-States: Sovereignty, International Relations and the Third World*. Cambridge: Cambridge University Press
- Jastrow, Morris Jr. 1920. *The Eastern Question and Its Solution*. Philadelphia: JP Lippincott.
- Jaye, Thomas, Dauda Garuba and Stella Amadi, eds. 2011. *ECOWAS and the Dynamics of Conflict and Peace-building*. Dakar: CODESRIA
- Jenkins, Sarah. 2012. 'Ethnicity, Violence, and the Immigrant-Guest Metaphor in Kenya'. *African Affairs*, 111 (445):576-596
- Jervis, Robert. 1978. 'Cooperation Under the Security Dilemma'. *World Politics*, 30 (2):167-214
- Jervis, Robert. 1982. 'Security Regimes'. *International Organization*, 36 (2):357-378
- Jones, Bruce D., Shepard Forman and Richard Gowan, eds. 2010. *Cooperating for Peace and Security: Evolving Institutions and Arrangements in the Context of U.S. Security Policy*, Cambridge: Cambridge University Press

Joselow, Gabe. 2013 (February 07). 'US Official Says Kenya's Elections Have "Consequences".' *Voice of America* (<http://www.voanews.com/content/us-official-says-kenya-elections-have-consequences/1599063.html>, 19 October 2012)

Kabareebe, James. 2009. *Minutes of the EAC Meeting of the Consultative Committee, on Cooperation in Defence Affairs*, 10 Nov. 2009 - Report of the Meeting (Doc. EAC/SC/12/2008, Dir. 5 and 7). Arusha: EAC

Kagamba, Julius. 2007. 'Regional Peace and Security Initiatives in the Great Lakes Region and the Horn of Africa', Presentation for the Induction of new FSOs, 18 July 2007). Kampala: MOFA

Karns, Margaret P. and Karen A Mingst. 2009. *International Organizations: The Politics and Processes of Global Governance*. Boulder, London: Lynne Rienner

Kasaija, Apuuli P. 2006. 'Civil Society and Conflict Resolution: The Role of the Acholi Religious Leaders Peace Initiative in the Northern Uganda Conflict.' 7th Annual Conference of the International Society for Third Sector Research, Bangkok, 9-12 July (http://www.istr.org/resource/resmgr/working_papers_bangkok/kasaija.apuuliphillip.pdf, 5 June 2014)

Katabaazi, Wilfred. 2010. *The EU-East African Community Economic Partnership Agreement*. Saarbrücken: Lambert Academic Publishing

Keck, Margaret E. and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca and London: Cornell University Press

Kegley, Charles W. Jr., Gregory A. Raymond, and Margaret G. Hermann. 1998. 'The Rise and Fall of the Non-intervention Norm: Some Correlates and Potential Consequences'. *Fletcher Forum of World Affairs* 22 (1):81-101

Keller, Edmond and Donald Rothchild, eds. 1996. *Africa in the New International Order: Rethinking State Sovereignty and Regional Security*. Boulder, CO: Lynn Rienner

Kelsen, Hans. 1948. 'Collective Security and Collective Self-Defense under the Charter of the United Nations'. *The American Journal of International Law*, 42 (4):783-796

Kent, Vanessa, and Mark Malan. 2003. 'The African Standby Force: Progress and Prospects'. *African Security Review*, 12 (3):29-46

Kenya, Republic of. 2008. *Report of Commission of Inquiry into Post-Election Violence* (Justice Philip Waki Commission Report). Nairobi: Republic of Kenya

Kenyatta, Uhuru Muigai, HE. 2013 (10 April). *Inaugural Speech*, Nairobi: *Daily Nation* (accessed 20 March 2014, from: <http://www.nation.co.ke/oped/Opinion/Inaugural-Speech-Uhuru-Muigai-Kenyatta/-/440808/1743996/-/b4jqhpz/-/index.html>)

Kenyatta, Uhuru Muigai, HE. 2013. *President-Elect Uhuru Kenyatta's Inaugural Speech* (accessed 19 October 2014, from <http://kenyanvoice.com/2013/04/17/president-uhuru-muigai-kenyattas-first-speech-to-parliament/>)

- Keohane, Robert O. 1982. 'The Demand for International Regimes', *International Organization*, 36 (2):325-355
- Keohane, Robert O. 1984. *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton: Princeton University Press
- Keohane, Robert O. 1988. 'International Institutions: Two Approaches', *International Studies Quarterly*, 32 (4):379-396
- Keohane, Robert O. and Joseph Nye, Jr. 2011. *Power and Interdependence*, 4th Ed. Princeton: Princeton University Press
- Khorana, Sangeeta, Kato Kimbugwe & Nicholas Perdikis. 2009. 'Assessing the Welfare Effects of the East African Community Customs Union's Transition Arrangements on Uganda', *Journal of Economic Integration*, 24 (4):685-708
- King, Gary, Robert O Keohane and Sudney Verba. 1994. *Designing Social Inquiry: Scientific Inference in Qualitative Research*. Princeton NJ: Princeton University Press
- Kiraso, Beartice. 2009 (5 Oct). *EAC Integration Process and the Enabling Peace and Security Architecture*. Presented at the EAC Peace and Security Conference - Kampala (accessed from http://www.eac.int/news/index.php?option=com_docman&task=doc_view&gid=68&Itemid=78, 12 Dec 2012). Arusha: EAC
- Knight, Andy and Randolph B. Persaud, 2001. 'Subsidiarity, Regional Governance, and Caribbean Security', *Latin American Politics and Society*, 43 (1):29-56
- Kok, Naomi. 2013. 'The International Conference on the Great Lakes Region: Does Angola's Chairmanship bring Hope, or Is the Region about to Devour Itself?' *African Security Review*, 22 (4):277-281
- Koremenos, Barbara, Charles Lipson and Duncan Snidal. 2001. 'The Rational Design of International Institutions', *International Organization*, 55 (4):761-799
- Krasner, Stephen D. 1999. *Sovereignty: Organised Hypocrisy*. Princeton: Princeton University Press
- Krasner, Stephen D. and Kurt Taylor. 1995. 'Compromising Westphalia'. *International Security*, 20 (3):115-151
- Krasner, Stephen, ed. 1983. *International Regimes*, Ithaca: Cornell University Press
- Krasner, Stephen. 2001. 'Abiding Sovereignty'. *International Political Science Review*, 22 (3):229-251
- Krasner, Stephen. 1993. 'Westphalia and All That', in Judith Goldstein and Robert Keohane (eds.). *Ideas and Foreign Policy: Beliefs, Institutions and Political Change*. Cornell: Cornell University Press, pp. 235-264.
- Krasner, Stephen D. 2005. 'The Case for Shared Sovereignty.' *Journal of Democracy*, 16 (1):69-83

- Lake, Anthony. 1981. 'Defining the National Interest.' *Proceedings of the Academy of Political Science*, 34 (2 - The Power to Govern: Assessing Reform in the United States):202-213
- Lake, David .1996. 'Anarchy, Hierarchy, and the Variety of International Relations'. *International Organization*, 50 (1):1-33
- Lake, David A. 2010/11, 'Two Cheers for Bargaining Theory: Assessing Rationalist Explanations for the Iraqi War.', *International Security*, 53 (3):7-52
- Laski, Harold J. 1917. *Studies in the Problem of Sovereignty*. New Haven, CT: Yale University Press
- Leary, Heather A. 1997. 'The Nature of Global Commitments and Obligations: Limits on State Sovereignty in the Area of Asylum'. *Indiana Journal of Global Legal Studies*, 5 (1):297-315
- Lepgold, Joseph. 1998. 'NATO's Post-Cold War Collective Action Problem.' *International Security*, 23 (1):78-106
- LeRiche, Matthew and Matthew Arnold. 2012. *South Sudan: From Revolution to Independence*. London: C. Hurst & Co.
- Licklider, Roy. 1995. 'The Consequences of Negotiated Settlements in Civil Wars, 1945-1993'. *The American Political Science Review*, 89 (3):681-690
- Lieberman, Evan S. 2005. 'Nested Analysis as a Mixed-Method Strategy for Comparative Research'. *American Political Science Review*, 99 (3):435-452
- Lipson, Charles. 1984. 'International Cooperation in Economic and Security Affairs', *World Politics*, 37 (1):1-23
- Litfin, Karen T. 1997. 'Sovereignty in World Ecopolitics'. *Mershon International Studies Review*, 41 (2):167-201
- Litfin, Karen T. 2003. 'Towards an Integral Perspective on World Politics: Secularism, Sovereignty and the Challenge of Global Ecology'. *Millennium: Journal of International Studies*, 32 (1):29-56
- Lyons, Gene M. and Michael Mastanduno, eds. 1995. *Beyond Westphalia? State Sovereignty and International Intervention*. Baltimore, Maryland: The Johns Hopkins University Press
- Magulu, CP Lt and Didacus Kaguta. 2013. 'Regional Forensic Laboratory to become Centre of Excellence'. *EAPCO Magazine*, Kampala: EAPCO
- Manning, Carrie. 2002. *The Politics of Peace in Mozambique: Post-conflict democratization 1992–2000*. Westport, CT and London: Praeger
- Mansfield, Edward D. and Etel L. Solingen. 2010. 'Regionalism'. *Annual Review of Political Science*, 13 (1):145-163

Mansfield, Edward D. and Hellen Milner. 1999. 'The New Wave of Regionalism'. *International Organization*, 53 (3):589-627

Marten, Kimberly. 2007. 'Warlordism in Comparative Perspective'. *International Security*, 31 (3):41-73

Masereka, Alex. 2014 (21 February). 'EAC Leaders Sign Mutual Defense Pact', (from: <http://www.redpepper.co.ug/eac-leaders-sign-mutual-defense-pact/>), Kampala: *The Red Pepper*

Mathenge, Oliver. 2014 (7 March). 'East Africa: Njonjo Calls for Vote to Remove Kenya From EAC', Nairobi: *The Star* (online: <http://www.the-star.co.ke/news/article-158128/njonjo-calls-vote-remove-kenya-eac>, 11 March 2014).

Mattli, Walter. 2000. 'Sovereignty Bargains in Regional Integration'. *International Studies Review*, 2 (2):149-180.

McCormick, James M. 1980. 'Intergovernmental Organizations and Cooperation among Nations'. *International Studies Quarterly*, 24 (1):75-98

Mearsheimer, John J. 2001. *The Tragedy of Great Power Politics*. New York: Norton

Meinecke's, Friedrich. 1957. *Machiavellism: The Doctrine of Raison d'Etat and Its Place in Modern History*. New Haven: Yale University Press

Messina, Anthony M. 2008. 'Pathways from September 11: Politics, Policy, and State Sovereignty in an Age of Terror.' *Political Science and Politics*, 41 (2):419-419

Mills, Alex. 2008. 'The Formalism of State Sovereignty in Territorial and Maritime Disputes'. *The Cambridge Law Journal*, 67 (3):443-447

Milward, Alan S. 1992/2000. *The European Rescue of the Nation State*. (2nd Ed.) London and New York: Routledge

Mitrany, David. 1965. 'The Prospect of European Integration: Federal or Functional'. *Journal of Common Market Studies* 4 (2):119-149

Mkutu, Kennedy Agade. 2006. 'Small Arms And Light Weapons Among Pastoral Groups in the Kenya–Uganda Border Area.' *African Affairs*, 106 (422):47–70

Mongia, Radhika V. 2007. 'Historicizing State Sovereignty: Inequality and the Form of Equivalence.' *Comparative Studies in Society and History*, 49 (2):384-411

Moravcsik, Andrew. 1999. "A New Statecraft? Supranational Entrepreneurs and International Cooperation," *International Organization*, 53 (2):267-306.

Morgenthau, Hans B. 1985. *Politics Among Nations: The Struggle for Power and Peace*, New York: Alfred A. Knopf

- Mugomba, Agrippa T. 1978. 'Regional Organisations and African Underdevelopment: The Collapse of the East African Community'. *The Journal of Modern African Studies*, 16 (2):261-272
- Mukumbya, Paul. 2007. 'Regional Economic Communities as Building Blocks for Continental Integration: The Case of the East African Community', Kampala: Ministry of Foreign Affairs/EAC Division
- Mulaj, Kledja. 2009. *Non-State Violent Actors in World Politics*. London: Hurst
- Museveni, Yoweri Kaguta, HE. 2013 (10 April). *Speech at the Inauguration of President-elect, Uhuru Muigai Kenyatta* (from <http://www.newvision.co.ug/news/641546-museveni-s-speech-at-uhuru-s-inauguration.html>, 5 February 2014), Kampala: *The New Vision*
- Museveni, Yoweri Kaguta, HE. 2013 (24 April). *Address to the East African Legislative Assembly*, Kigali (from <http://www.youtube.com/watch?v=nXONRwRsoBw>, 12 Oct. 2013]
- Museveni, Yoweri Kaguta, HE. 2014 (9 October). *Presidential Speech On the Occasion of the 52nd Independence Anniversary Celebrations*. Kampala: State House
- Mushemeza, Elijah Dicken. 2007. *The Politics of Empowerment and Integration of Banyarwanda Refugees in Uganda, 1959–1990*. Kampala: Fountain Publishers
- Mutsindashyaka, Théoneste. 2013 (June). Statement during the Ceremony to Mark the Opening for Signature of the Arms Trade Treaty, New York, p. 2; & Statement by the Executive Secretary on Westgate Mall Terrorist Attack, Nairobi: RECSA
- N'Diaye, Boubacar. 2002. 'How Not to Institutionalise Civilian Control: Kenya's Coup-Prevention Strategies, 1964-1997'. *Armed Forces and Society*, 28 (4):619–40.
- Nabudere, Dani W. 2009. 'Pan-Africanism and the Challenge of East African Integration: Discussion of Professor Issa Shivji's Presentation'. Presentation to the 10th EAC Anniversary Symposium, Arusha, 13-14th November. (online: http://www.pambazuka.org/images/articles/501/PAN-AFRICANISM_nabudere.pdf, accessed 29 Jan 2012)
- Nardin, Terry. 2002. 'The Moral Basis of Humanitarian Intervention'. *Ethics and International Affairs*, 16 (2):57-70
- Narthan, Laurie. 2006. 'SADC's Uncommon Approach to Common Security, 1992-2003'. *Journal of Southern African Studies*, 32 (3):605-622
- Nash, Frank C. 1952. 'The European Defense Force and State Sovereignty.' *Proceedings of the American Society of International Law at Its Annual Meeting (1921-1969, April 24-26, 1952)*, 46:136-142
- Nathan, Laurie and Monica Duffy Toft. 2011. 'Civil War Settlements and Prospects for Peace'. *International Security*, 36 (1):202-210

Ndarubagiye, Leonce, Hon. 2010 (Thursday, 22 April). Motion for a Resolution of the Assembly to Accord Special Thanks to the United Republic of Tanzania for Granting Nationality to 162,000 Burundi Refugees, EALA Debates/The Hansard, Arusha: EALA

Nielson, Daniel L. and Michael J. Tirney. 2003. 'Delegation to International Organizations: Agency Theory and World Bank Environmental Reform'. *International Organization*, 57 (2):241-276

Nincic, Miroslav. 1999. 'The National Interest and Its Interpretation.' *The Review of Politics*, 61 (1):29-55

Norwegian Agency for International Development (NORAD). 2009. The International Conference on the Great Lakes Region (ICGLR) – Review of Norwegian Support to the ICGLR Secretariat. Oslo: NORAD

Nyanje, Peter. 2012 (Fri., 30 Aug.). 'Kikwete asks Museveni to Tell Kagame to Cool Off', Kampala: *Daily Monitor* (accessed 12 Oct. 2013 from <http://www.monitor.co.ug/News/National/Kikwete-asks-Museveni-to-tell-Kagame-to-cool-off/-/688334/1972964/-/npajnm/-/index.html>)

Nye, Joseph S. Jr. 1963. 'East African Economic Integration'. *The Journal of Modern African Studies*, 1 (4):475-502

Nye, Joseph S. Jr. 1965. *Pan-Africanism and East African Integration*. Cambridge, Mass.: Harvard University Press

Nye, Jr. Joseph S. 1999. 'Redefining the National Interest.' *Foreign Affairs*, 78 (4):22-35

Organisation of African Unity (OAU). 1963. *Charter of the Organisation of African Unity*. Addis Ababa: OAU

OAU. 1993. *Mechanism for Conflict Prevention, Management and Resolution*, Cairo.

OAU. 1999. *Convention on the Prevention and Combating of Terrorism*. Algiers.

OAU. 1999. Report of Ministerial Meeting of the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA). Abuja: Addis Ababa: OAU

OAU. 2000. *Solemn Declaration on Security, Stability, Development and Cooperation in Africa (CSSDCA)*, Lome/Addis Ababa: OAU.

Obach, Brian. 2003. 'Barriers to Collective Action: A Classroom Simulation' *Teaching Sociology*, 31 (3):312-318

Ogot, Bethwell A. 2006. *My Footprints on the Sands of Time: An Autobiography*, Kisumu: Anyange Press Limited (esp. Ch. 11).

Ohlson, Thomas. 2003. "Fanning the Flames of Peace: The Difficult Role of IOs". *International Studies Review*, 5 (2):228-231

- Okumu, Wafula. 2007. 'Counterterrorism Measures in the East African Community', in Andre Le Sage, ed., *African Counterterrorism Cooperation: Assessing Regional and Subregional Initiatives*, National Defence University Press and Potomac Books, pp. 77-98
- Oliver, Mark. 2007 (Thurs., 12 April). 'Timeline: Terror Attacks in Africa'. *The Guardian* (online: <http://www.guardian.co.uk/world/2007/apr/12/alqaida.terrorism>, accessed 5 June 2013).
- Oliver, Pamela E. 1993. 'Formal Models of Collective Action'. *Annual Review of Sociology*, 19: 271-300
- Ononisakin, Funmi. 2011. 'ECOWAS: From Economic Integration to Peace-building', in Jaye, Garuba and Amadi, pp 11-26
- Olson, Mancur. 1982. *The Rise and Decline of Nations: Economic Growth, Stagflation, and Social Rigidities*. New Haven and London: Yale University Press
- Olson, Mancur. 1986/1971. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge, MA: Harvard University Press
- Onyonyi, Leonard M. 2014 (27th Jan.). 'The EAC Peace and Security Architecture', presented to the 4th Meeting - 2nd Session of the 3rd East African Legislative Assembly, Kampala: EALA
- Open Society Justice Initiative (OSJI). 2013. *Human Rights Decisions of the East African Court of Justice*, New York: OSJI
- Orbán, Anna Mária. 2003. 'How to Solve International Collective Action Problems? Cooperation for Preserving the Global Environment'. *Society and Economy*, 25 (1):97-111
- Oslender, Ulrich. 2008. 'Another History of Violence: The Production of "Geographies of Terror" in Colombia's Pacific Coast Region'. *Latin American Perspectives*, 35 (5):77-102
- Oye, Kenneth A. 1985. 'Explaining Cooperation under Anarchy: Hypotheses and Strategies.' *World Politics*, 38 (1):1-24
- Padelford, Norman J. 1954. 'Regional Organization and the United Nations'. *International Organization*, 8(2):203-216
- Palmenatz, John. 1970. *Ideology*. London: MacMillan Press
- Pardo, Rafael. 2000. 'Colombia's Two-Front War'. *Foreign Affairs*, 79 (4):64-73
- Parker, Sarah and Katherine Green. 2012. *A Decade of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of National Reports*. Geneva: UN Institute for Disarmament Research
- Peter Bachrach and Morton S. Baratz, 1962, 'Two Faces of Power.' *The American Political Science Review*, 56(4): 947-952.

- Philpott, Daniel. 2001 'Usurping the Sovereignty of Sovereignty'. *World Politics*, 53 (2):297-324
- Piazza, James A. 2008. 'Incubators of Terror: Do Failed and Failing States Promote Transnational Terrorism?'. *International Studies Quarterly*, 52 (3):469-488
- Pinder, John. 1965. 'The Case for Economic Integration'. *Journal of Common Market Studies* 3 (3):246-259
- Pothom, Christian P. 1979. 'Who Killed Cock Robin? Perceptions Concerning the Breakup of the East African Community', *World Affairs*, 142 (1):45-56
- Povolny, Mojmir. 1966. 'Africa in Search of Unity: Model and Reality'. *Background*, 9 (4):297-318
- Powell, Robert. 1991. 'Absolute and Relative Gains in International Relations Theory'. *American Political Science Review*, 85 (4):1303-1320
- Press-Barnathan, Galia. 2005. 'The Changing Incentives for Security Regionalization: From 11/9 to 9/11'. *Cooperation and Conflict: Journal of the Nordic International Studies Association*, 40 (3):281-304
- Prunier, Gerard. 2004. 'Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo (1986-99)'. *African Affairs*, 103 (412):359-383.
- Prunier, Gerard. 2009. *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe*. Oxford MA: Oxford University Press
- Quackenbush, 2004 'The Rationality of Rational Choice Theory'. *International Interactions: Empirical and Theoretical Research in International Relations*, 30 (2):87-107
- Rabkin, Jeremy A. 2005. *Law Without Nations? Why Constitutional Government Requires Sovereign States*, Princeton NJ and Oxfordshire: Princeton University Press
- Ravenhill, John. 1979. 'Regional Integration and Development in Africa: Lessons from the East African Community'. *Journal of Commonwealth & Comparative Politics*, 17 (3):227-246
- Raymond, Gregory A. and Charles W. Kegley, Jr., 1987. 'Long Cycles and Internationalized Civil War'. *The Journal of Politics*, 49 (2):481-499
- Regional Centre on Small Arms in the Great Lakes Region the Horn of Africa and Bordering States (RECSA). 2000a. *The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*. Nairobi: RECSA
- RECSA. 2000b. *Co-ordinated Agenda for Action on the problem of the proliferation of small arms and light weapons in the Great Lakes Region and the Horn of Africa - SAEM/GLR.HOA/1*. Nairobi: RECSA
- RECSA. 2004. *Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa, and Bordering States*. Nairobi: RECSA
- RECSA. 2013. *Statement by the Executive Secretary on the Westgate Mall Terrorist Attack*. Nairobi: RECSA

- Reus-Smit, Christian. 1997. 'The Constitutional Structure of International Society and the Nature of Fundamental Institutions'. *International Organization*, 51 (4):555-589
- Reyntjens, Filip. 2009. *The Great African War: Congo and Regional Geopolitics, 1996-2006*. Cambridge and elsewhere: Cambridge University Press
- Richmond, Oliver P. 2002. 'States of Sovereignty, Sovereign States, and Ethnic Claims for International Status'. *Review of International Studies*, 28 (2):381-402
- Rodney, Walter. 1973. *How Europe Underdeveloped Africa*. London and Dar es Salaam: Bogle-L'Ouverture Tanzanian Publishing House
- Rotberg, Robert I. 2002. 'The New Nature of Nation-State Failure'. *The Washington Quarterly*, 35 (3):85-96
- Rotberg, Robert I., ed. 2003. *When States Fail: Causes and Consequences*. Princeton NJ: Princeton University Press
- Rotich, Julius T. 2012 (7 June). Overview of the Process toward the East African Community Political Federation. Arusha: EAC
- Rudolph, Christopher. 2005. 'Sovereignty and Territorial Borders in a Global Age'. *International Studies Review*, 7 (1):1-20
- Ruggie, John Gerard. 1993. 'Territoriality and Beyond: Problematising Modernity in International Relations'. *International Organization*, 47 (1):139-174
- Ruhangisa, John Eudes. 2011 (1–2 Nov.). 'East African Court of Justice', presented during Sensitisation Workshop on "The Role of the EACJ in the EAC Integration", Imperial Royale Hotel, Kampala (from <http://www.eacj.org/docs/EACJ-Ten-Years-of-Operation.pdf>, 12 Feb. 2013). Arusha: EACJ
- Ruiter, Dick W. P. 1998. 'Structuring Legal Institutions'. *Law and Philosophy*, 17 (3):215-232
- Rwanda, Republic of. 2012. *Rwanda's Response to the Allegations Contained in the Addendum to the UN Group of Experts Interim Report*. Kigali: Republic of Rwanda
- Rwengabo, Sabastiano. 2013. 'Regime Stability in Post-1986 Uganda: Counting the Benefits of Coup-Proofing'. *Armed Forces and Society*, 39 (3):531-559
- Rwengabo, Sabastiano. 2014. 'The Dark Side of Diasporas in Africa's Great Lakes Region.' In Sadananda Sahoo and B.K. Pattanaik, eds. *Global Diasporas and Development: Socioeconomic, Cultural, and Policy Perspectives*. New Delhi: Springer, pp. 283-304
- Sabia, Daniel R. Jr. 1988. 'Rationality, Collective Action, and Karl Marx'. *American Journal of Political Science*, 32 (1):50-71
- Salehyan, Idean and Christian Skrede Gleditsch. 2006. 'Refugees and the Spread of Civil War'. *International Organization* 60 (2):335-366

- Salehyan, Idean, Kristian Skrede Gleditsch and David E. Cunningham. 2011. 'Explaining External Support for Insurgent Groups'. *International Organization*, 65 (04):709-744
- Salehyan, Idean. 2007. 'Transnational Rebels: Neighboring States as Sanctuary for Rebel Groups' *World Politics*, 52 (2):217-242
- Salehyan, Idean. 2008. 'No Shelter Here: Rebel Sanctuaries and International Conflict'. *The Journal of Politics*, 70 (1):54-66
- Salehyan, Idean. 2008. 'The Externalities of Civil Strife: Refugees as a Source of International Conflict'. *American Journal of Political Science*, 52 (4):787-801.
- Salehyan, Idean. 2010. 'The Delegation of War to Rebel Organizations'. *The Journal of Conflict Resolution*, 54 (3):493-515.
- Sandler, Todd. 2006. 'Regional public goods and international organizations', *Review of International Organisations*, 1: 5–25
- Sarkees, Meredith Reid and Frank Whelon Wayman. 2010. *Resort to War: 1816–2007 (A Data Guide to Inter-State, Extra-State, Intra-state, and Non-State Wars, 1816-2007)*. Washington DC: CQ Press
- Sartori, Giovanni. 1970. 'Concept Misformation in Comparative Politics'. *The American Political Science Review*, 64 (4):1033-1053
- Schmitter, Philippe C. 2010. 'Micro-Foundations of the Science(s) of Politics.' *Scandinavian Political Studies*, 33 (3):316-330
- Schultz, Kenneth A. 2010. 'The Enforcement Problem in Coercive Bargaining: Interstate Conflict over Rebel Support in Civil Wars'. *International Organization*, 64 (2):281-312
- Scruggs, William L. 1887. 'The "State Sovereignty" Heresy'. *The North American Review*, 145 (3):456-457
- Sebalu, Paulo. 1972. 'The East African Community'. *Journal of African Law*, 16 (3):345-363
- Sharma, B. M. 1951. 'National VS. State Sovereignty.' *The Indian Journal of Political Science*, 12 (3):1-18
- Shaw, Timothy M. 2003. 'Regional Dimensions of Conflict and Peace-building in Contemporary Africa'. *Journal of International Development*, 15 (4):487–498
- Smith, Edwin M and Thomas G Weiss. 1997. 'UN task-sharing: Towards or away from global governance?', *Third World Quarterly*, 18 (3):595-619
- Snidal, Duncan. 1985. 'The Limits of Hegemonic Stability Theory.' *International Organization*, 39 (4):579-614
- Solingen, Etel L. 1998. *Regional Orders at Century's Dawn: Global and Domestic Influences on Grand Strategy*. Princeton NJ: Princeton University Press

Somalia, Republic of. 2011. Statement on the Adoption of the Roadmap: Consultative Meeting on Ending the Transition Roadmap in Somalia, 6 Sept. 2011. Mogadishu: Republic of Somalia.

Souaré, Issaka K. 2009. The AU and the Challenge of Unconstitutional Changes of Government in Africa. ISS Paper 197 (August): 1-16, Pretoria: ISS

South African Journal of International Affairs. Special Issue: Vol. 18 No. 2 (International Organisations in Africa)

Southern African Development Community (SADC). 2001. *Protocol on Politics, Defence and Security Co-operation*. Dar es Salaam: SADC

SADC. 2003. *The SADC Mutual Defence Pact*. Dar es Salaam: SADC

Ssebunya-Kasule, Edward. 2009. Regionalism in Africa: The Case Study of the East African Community. Saabrukken: VDM Verlag

Ssezibera, Richard, Amb. 2011. 'Welcoming Remarks at the Opening Ceremony of the EAC Military Command Post Exercise "Ushirikiano Imara"'. Nyakimana: Rwanda Military Academy.

Stahn, Carsten. 2007. 'Responsibility to Protect: Political Rhetoric of Emerging Legal Norm?'. *The American Journal of International Law*, 101 (1):99-120

Stefanova, Boyka. 2006. 'Regional Integration as a System of Conflict Resolution: The European Experience'. *World Affairs*, 169 (2):81-93

Stein, Arthur A. 1993. 'Coordination and Collaboration: Regimes in an Anarchical World'. *International Organization*, 36 (2):299-324.

Tavares, Rodrigo and Vanessa Tang. 2010. 'Regional Economic Integration in Africa: Impediments to Progress?', *South African Journal of International Affairs*, 18 (2):217-233.

Tavares, Rodrigo. 2008. 'Understanding Regional Peace and Security: A Framework for Analysis'. *Contemporary Politics*, 14 (2):107-127

Tavares, Rodrigo. 2009. 'Regional Clustering of Peace and Security'. *Global Change, Peace & Security*, 21 (2):153-164

Tavares, Rodrigo. 2011. 'The Participation of SADC and ECOWAS in Military Operations: The Weight of National Interests in Decision-Making'. *African Studies Review*, 54 (2):145-176

Tharp, Paul A. ed. 1971. *Regional International Organizations: Structures, and Functions*. New York: St Martin's Press

The Citizen Reporters. 2013 (Wed. 4 Sept.). 'Kikwete, Kagame come face to face in Kampala', Dar es Salaam: *The Citizen* (from <http://www.thecitizen.co.tz/News/Kikwete--Kagame-come-face-to-face-in-Kampala/-/1840392/1980278/-/p3twoyz/-/index.html>, 12 Oct. 2013).

The Red Pepper. 2013 (Sept. 9). 'Amnesty Commission: M23 Defectors Don't Qualify for Amnesty in Uganda'. Kampala: *The Red Pepper* (accessed 10 Sept. 2013 from <http://www.redpepper.co.ug/amnesty-commission-m23-defectors-dont-qualify-for-amnesty-in-uganda/>)

Thiry, Leon. 1981. 'Nation, State, Sovereignty and Self-Determination.' *Peace Research*, 13 (1):15-20

Thomson, Janice E. 1995. 'State Sovereignty in International Relations: Bridging the Gap between Theory and Empirical Research'. *International Studies Quarterly*, 39 (2):213-233

Tilly, Charles. 1990. *Coercion, Capital, and European States, AD 990-1990*. Cambridge MA: Basil Blackwell

Toft, Monica Duffy. 2010. 'Ending Civil Wars: A Case for Rebel Victory'. *International Security*, 34 (4):7-36

Tonwe, Daniel A. & Surulola J. Eke, 2013. 'State fragility and violent uprisings in Nigeria: The case of Boko Haram'. *African Security Review*, 22 (4):232-243

Touray, Omar A. 2005. 'The Common African Defence and Security Policy'. *African Affairs*, 104 (417):635-656

Tripp, Airi Mali. 2010. *Museveni's Uganda: Paradoxes of Power in Hybrid Regime*. London: Lynne Rienner

Tusicsny, Andrej. 2007. 'Security Communities and their Values: Taking Masses Seriously'. *International Political Science Review*, 28 (4):425-449

Udén, Lars. 1993. 'Twenty-Five Years with "The Logic of Collective Action"'. *Acta Sociologica*, 36 (3 - Rational Choice Theory): 239-261

Udombana, Nsongurua J. 2006. 'When Neutrality Is a Sin: The Darfur Crisis and the Crisis of Humanitarian Intervention in Sudan'. *Human Rights Quarterly*, 27 (4):1149-1199

Uganda, Republic of. 2000. *The Amnesty Act*. Entebbe: Uganda Printing and Publishing Corporation

Uganda, Republic of. 2011. *Agreement between the President of the Transitional Federal Government of Somalia and the Speaker of the Transitional Federal Parliament of Somalia Made in Kampala on 9th June 2011 (Kampala Accord)*. Kampala: Republic of Uganda.

Uganda, Republic of. 2012. *Response of the Government of Uganda to Allegations in the Report of the UN Group of Experts on the Democratic Republic of Congo*. Kampala: Office of the Prime Minister.

Umbricht, Victor H. 1989. *Multilateral Mediation: Practical Experience and Lessons*, Dordrecht: Martinus Nijhoff Publishers.

Umbricht, Victor. 1987. World Bank Interview: Historical Archives (accessed 31 Jan 2013, http://siteresources.worldbank.org/EXTARCHIVES/Resources/Victor_Umbricht_Oral_History_Transcript_4_02.pdf)

United Nations (UN). 1945. *Charter of the United Nations*. San Francisco: UN

United Nations Conference on the Law of Treaties. 1969. *Vienna Convention on the Law of Treaties* - pursuant to General Assembly resolutions 2166 (XXI) of 5 December 1966 and 2287 (XXII) of 6 December 1967. Vienna: UNCLT

UN Security Council (UNSC). 2006. Letter from the Permanent Representative of Uganda addressed to the President of the Security Council, S/2006/271, Annex I. New York: USC

UNSC. 1997. *Resolution A/RES/51/242* (107th Plenary Meeting, 15 Sept. 1997) – annexes. New York: UNSC

UNSC. 2007 (31 July: 5727th meeting). 'Resolution 1769 DARFUR', S/RES/1769(2007). *International Legal Materials* 46 (5):900-904

Urpelainen, Johannes. 2009. *All or Nothing: Avoiding Inefficient Compromise in International Cooperation*, Michigan: University of Michigan (PhD Thesis, from http://deepblue.lib.umich.edu/bitstream/2027.42/62240/1/jurpelai_1.pdf, 21 May 2012)

Van Nieuwkerk, Anthoni. 2011. 'The Regional Roots of the African Peace and Security Architecture: Exploring Centre–Periphery Relations'. *South African Journal of International Affairs*, 17 (2):169-189

Väyrynen, Raimo. 2003. 'Regionalism: Old and New'. *International Studies Review*, 5 (1):25-51

Vincent, Richard J. 1992. *Nonintervention in International Order*. Princeton NJ: Princeton University Press

Vinci, Anthony. 2009. *Armed Groups and the Balance of Power: The International Relations of Terrorists, Warlords and Insurgents*. London and New York: Routledge

Vines, Alex. 2013. 'A decade of the African Peace and Security Architecture'. *International Affairs*, 89 (1):89-109;

Voeten, Erik. 2005. 'The Political Origins of the Legitimacy of the United Nations Security Council'. *International Organization*, 59 (3):527-557

Wallace, William and Daphne Josselin, eds. 2002. *Non-State Actors in World Politics*. Palgrave Macmillan

Walsh, James I. 2001. 'National Preferences and International Institutions: Evidence from European Monetary Integration'. *International Studies Quarterly*, 45 (1):59-80

Waltz, Kenneth N. 1979. *Theory of International Politics*. Illinois: Weveland Press Inc.

Walzer, Michael. 1977. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. New York: Basic Books

Wanjohi, Kabukuru. 2011. 'An East Africa shilling by next year?' *African Business*, Issue 376 (June):64-65

Ward, Hugh. 1993. 'Game Theory and the Politics of the Global Commons.' *The Journal of Conflict Resolution*, 37 (2):203-235

- Ward, Hugh. 1993. 'Game Theory and the Politics of the Global Commons'. *The Journal of Conflict Resolution*, 37 (2):203-235
- Ward, Ian. 2003. 'The End of Sovereignty and the new Humanism'. *Stanford Law Review*, 55 (5):2091-2112
- Weinrod, W. Bruce. 2012. 'The Future of NATO'. *Mediterranean Quarterly*, 23 (2):1-13
- Welch, Claude E. Jr. 1966. *Dream of Unity: Pan-Africanism and Political Unification in West Africa*. Ithaca, New York: Cornell University Press
- Welsh, Jennifer Carolin Thielking and S. Neil MacFarlane. 2002. 'The Responsibility to Protect: Assessing the Report of the International Commission on Intervention and State Sovereignty'. *International Journal*, 57 (4):489-512
- Wendt, Alexander. 1996. *Social Theory of International Politics*. Cambridge: Cambridge University Press
- Alexander Wendt, 1987. 'The Agent-Structure Problem in International Relations Theory'. *International Organization*, 41 (3):335-370
- Wheeler, Nicholas J. 2002. *Saving Strangers: Humanitarian Intervention in International Society*. New York: Oxford University Press
- Wight, Martin. 1977. *Systems of States*. Leicester: Leicester University Press
- Wilcox, Francis O. 1965. 'Regionalism and the United Nations'. *International Organization*, 19 (3):789-811
- Wild, Patricia B. 1971. 'Radicals and Moderates in the OAU: Origins of Conflicts and Bases for Coexistence'. In Paul A. Tharp, Jr. ed. *Regional International Organisations*. New York: St Martin's Press, pp. 36-50
- Williams, Alison J. 2010. 'A Crisis of Aerial Sovereignty? Considering the Implications of Recent Military Violations of National Air Spaces.' *Area*, 42 (1):51-59
- Williams, Michael C. 1996. 'Hobbes and International Relations: A Reconsideration.' *International Organization*, 50 (2):213-236
- Williams, Paul D. 2007. 'From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture', *African Affairs*, 106 (423):253-279
- Young, Oran R. 1999. *Governance in World Affairs*. New York: Cornell University Press
- Zacher, Mark W. 2001. 'The Territorial integrity Norm: International Boundaries and the Use of Force'. *International Organization*, 55 (2):215-250.

LIST OF APPENDIXES

APPENDIX I *Major Historical Events and Processes in East African Regionalism*¹⁰⁶⁹

Year/Period	Events/Processes	Implications for Regionalism
Pre-colonial to colonial rule (till the 19 th century)	Ethnolinguistic communities transcending what are today national borders. Long distance traders from the East African coast to the interior and into what is today Central Africa; evolution and expansion of Swahili language from the East coast to Central Africa	Socioeconomic integration of communities; regionalisation of Swahili language; socio-political communities transcending today's national borders, such as Interlucustrine Kingdoms
1897 – 1901	Construction of the Kenya-Uganda Railway	Link between Kenya and Uganda: landlocked Uganda linked to Mombasa Coast
1900	Customs Collection Centre	Kenya, Tanzania and Uganda enjoyed commercial, industrial, services and institutional links, because of shared/British colonial control. Though governors collaborated and shared infrastructure and services, each territory was governed as a separate colony, and with different degrees of colonial control, for Tanzania was formerly under German rule, while Uganda was a Protectorate. Only Kenya was a settler colony.
1905	East African Currency Board	
1905	East African Postal Union	
1909	Court of Appeal for Eastern Africa	
1919	Customs Union (Tanganyika joined 1927)	
1926	East African Governor's Conference	
1940	East African Income Tax Board	
1940	Joint Economic Council	
1947-61	East Africa (High Commission) Orders in Council	Special Orders Relating to 3 Colonies of East Africa (see EAC Treaty, 1999)

¹⁰⁶⁹ Sources: EAC Treaty, Preamble; Buel; Nabudere; Customs Union & Common Market Protocols; World Bank; Umbricht, pp. 9-11

Year/Period	Events/Processes	Implications for Regionalism
1953	Oliver Littleton (Lord Chandos) speaks of ' <i>possibility of future federation of East African territories</i> '.	Mixed reactions: British migrants, Asian businesspersons support; Buganda (central Uganda) opposes federation, demands autonomy. Federation to be either fostered by colonial power or to come after independence: its future still unclear
1961-3	Independence for these territories: Tanzania in 1961; Uganda in 1962; and Kenya in 1963	Former British East Africa now becomes three Sovereign States. British-established services and infrastructure remain shared
1961-66	East African Common Services Organisation Agreements	Predecessor to the EAC - the EASCO - established. Shared institutional and structural infrastructure, one RO.
1963	'Working Party' created, tasked to prepare a draft constitution for "Pan-African Federation of East Africa"	Working Party met in Kampala, 30 May 1964, failed to produce said draft constitution.
1947-67	East African High Commission, the East African Common Services Organisation [EASCO] and the East African Community	Joint organisations administered matters of common interest; regulated commercial and industrial relations and transactions; and, through a central legislature, enacted relevant laws. Provided for in: i) East Africa (High Commission) Orders in Council (1947-61); ii) EASCO Agreements, (1961–1966), & iii) EAC Treaty, 1967
1963-69	1963: Initiation of negotiations for an Association Agreement between EASCO and EEC	Agreement signed in 1969. EASCO becomes the first to enter an association agreement with EEC
1967	Treaty for East African Cooperation	EAC formally constituted, institutionalised/legalised. RO made up of 3 sovereign States.
1977	Dissolution of Treaty	Formal cooperation ends. Institutions and structures remain
Nov. 1977- May 1984	Mediation between States over sharing of responsibilities and assets. 'Mediation Agreement' regarding regional property signed on 14 May 1984	Treaty followed mediation led by Dr Victor H. Umbricht, under the UNDP, and "World Bank acting as executing agency". Umbricht Report in 1981 suggested modalities for sharing of resources. States share EAC Property. Article 14.02 of the Agreement: <i>members agree to explore areas for future co-operation.</i>

Year/Period	Events/Processes	Implications for Regionalism
30 Nov. 1993	Heads of States (HoSs) sign agreement establishing a Permanent Tripartite Commission (PTC) for Cooperation	Declaration for East African Cooperation made
26 Nov. 1994	Protocol on the Establishment of a Secretariat of the PTC for Co-operation.	Secretariat for the Tripartite Commission (PTC) established
29 Apr. 1997	HoSs approve the East African Co-operation Development Strategy for the period 1997-2000	Review of PTC's progress in developing co-operation in fiscal, monetary, migration, infrastructure and service sectors.
1997	HoSs direct PTC to undertake negotiations to upgrade the PTC Agreement into a Treaty	Negotiations ensue, fast progress.
30 Nov. 1999	Treaty for the Establishment of the EAC signed.	EAC fully reconstituted. Treaty provides for Customs Union (Articles 2, 5 & 75); Common Market; Monetary Union; and Political Federation
2 March 2004	Protocol: Establishment of the East African Customs Union (CU)	CU institutionalised. 1 January, 2010, fully fledge CU comes into force
27-29 Aug 2004	Special Summit (Nairobi), establishes 'Committee on Fast Tracking East African Federation'. Committee to hold consultations, report to the Summit in 3 months	23 Nov. 2004: Committee report recommends that federation starts 2010. That 2010-2020 act as 'consolidation phase' with rotational presidency. Federation not realised by 2010: a bold political decision abolishing existing borders not made.
1 July 2007	Admission of Rwanda and Burundi	Geopolitical Expansion
20 Nov. 2009	Protocol: Establishes East African Common Market (CM)	CM institutionalised. Comes into force 1 July, 2010
2010-2012	Negotiations for the Monetary Union, Peace & Security, and Defence Protocols	MU negotiations expected to end 2013 Security cooperation ongoing; Protocols signed, not yet ratified (as of Jan 2013).

APPENDIX II Research Instruments

DOCUMENTS REQUEST SHEET

Research: **Regional Security Cooperation in the EAC**

Investigator: Sabastiano RWENGABO, PhD Candidate

I request you to allow me access to the following and other relevant documents; where possible (you may tick those accessible, and may link the researcher to more sources):

- 1 Treaty for the Establishment of the East African Community, 1999 (as amended)
- 2 Strategy for Peace and Security in the EAC
- 3 Protocol on peace and security in the EAC
- 4 Budget allocations to the sector on regional affairs, conflict resolution and/or security
- 5 Strategic plan of the sector on Regional Affairs and Conflict Resolution
- 6 Development support contributions from outside the region (development partners) in the period 2000-2011 to regional affairs and conflict resolution (documentary evidence)
- 7 *Hansards* of the EAC Legislative Assembly
- 8 Minutes of Sectoral Committee meetings
- 9 Minutes of the EALA Committee on Regional Affairs and Conflict Resolution, 2010-2011
- 10 Summit Resolutions on security cooperation in the EAC, and between the EAC and other outside actors (states and/or Regions)
- 11 Resolutions of Council of Ministers on security cooperation
- 12 Relevant and accessible diplomatic and other correspondences (letters, diplomatic notes, emails), on security in the EAC, and between regional actors and outside ones
- 13 Presentations made in relevant fora (workshops, seminars, conferences, security briefings, etc) on the EAC security cooperation
- 14 Other relevant/related documents.

Version 3, dated 6th March 2012

INTERVIEW GUIDE FOR TECHNICAL OFFICERS, EXPERTS AND INTELLECTUALS
--

Dear Respondent,

I am Sabastiano Rwengabo, from the Department of Political Science, NUS. I am researching for a PhD dissertation on *Regional Security Cooperation* in the East African Community (EAC). I thank you for

agreeing to answer research questions. For confidentiality, please indicate if you would not like to be quoted directly or statements attributed to you. The findings will be used for academic purposes only.

I thank you in advance.

Personal:

- Name(s) and Institution (optional):
- Personal expertise and speciality:
- Period of **involvement in speciality/position**:
- Preference/nonpreference for direct quotation:

General:

- 1 The EAC had been dissolved in 1977. Why do you think this happened?
- 2 What motivated/facilitated the rapid transformation toward the now fully-fledged EAC since 1990s?
- 3 The EAC seems to have developed areas of political, peace and security, and defence cooperation. What are the similarities and differences among these security issue-areas – peace and security, defence, and foreign policy coordination – of cooperation? Please elaborate

Politico-Security Cooperation

- 1 Enlighten me about politico-security cooperation in the EAC, generally?
- 2 How are issues of security cooperation decided (actors, process, in agenda-setting)?
- 3 Why do you think it is important for the EAC member states to cooperate in those security areas? What have been the benefits so far?
- 4 What security issues are not included on the EAC security agenda? Why?
- 5 Are those exclusions specific to the EAC or are common with other ROs in Africa and the developing world? Please elaborate

EAC Security Agenda

- 1 The EAC security cooperation framework includes issues like: Small Arms and Light Weapons' (SALWs) proliferation; terrorism; piracy; transnational crime; money laundering; cattle rustling; and drugs and human trafficking, managed through sharing of intelligence, joint operations and other measures. How do you think these issues arose on the agenda and instruments of cooperation
- 2 The agenda seems to exclude armed rebellions even when these have regional security implications. Why this exclusion?
- 3 How is the EAC attending to the issue of armed rebellions in the region?
- 4 If rebellions were included on the EAC's common security agenda, what would that imply?
- 5 What does their exclusion signify?
- 6 Is there a relationship between the ways the RO responds to a security issue and its inclusion on a common agenda? If YES, how does this relate to armed rebellions? If NO, how is this related to rebellions?
- 7 Implementation of ROs' security commitments (such as security pacts, treaties, protocols), like any other cooperative endeavours, requires member states pooling/deploying resources together: could there be any relationship between the possible implementation of an EAC framework on armed rebellions and their exclusion from a common agenda? If YES, elaborate.
- 8 How does *externalised* defence cooperation differ from cooperation against armed rebellions?

- 9 Suppose the EAC agreed to respond to armed rebellions affecting member states, what would be needed to do so? How would such interventions affect member-states?
- 10 Could there be a relationship between sovereignty concerns and the exclusion of rebellions on the EAC's security agenda so far? If YES, how does this arise?

The EAC Security Cooperation

- 1 From which sources, and how, is assistance in the EAC security cooperation acquired?
- 2 In your view, what could be the interests of these assistance providers (donors/development partners) in East Africa? How are these interests likely to affect the EAC's strategic security interests?
- 3 If the EAC received aid for its security cooperation from different partners, would these partners' [divergent] interests affect the EAC? How?
- 4 In your opinion, what views do the EAC's development partners have about particular regional insecurities, such as terrorism, rebellions, etc?
- 5 What, in your opinion, do development partners' views about armed rebellions relate to/affect EAC leaders particularly and the region generally?

The future of the EAC Security cooperation

- 1 How may rebellions affect the EAC's aspiration to a political federation?
- 2 In your opinion, need the EAC prepare for a rebellion-free region as it works toward a political federation? How can this be done
- 3 Prior to federation, how easily would member states affected by armed rebellions agree to the deployment of regional troops to contend with armed groups fighting against those governments?
- 4 How would such deployment affect EAC states' meta-political authority claims?
Please give any other comments and observations on this study

THANK YOU VERY MUCH

INTERVIEW GUIDE [FOR POLICY MAKERS - ABRIDGED]

Dear Respondent,

I am Sabastiano RWENGABO, from NUS, researching for my PhD on *Regional Security Cooperation* in the East African Community. I request you to participate in this study by responding to few interview questions. Confidentiality will be assured throughout the study. The findings will be used for academic purposes only.

General:

- 4 Give us an overview of the East African Community
- 5 May I share your impression of the extent of cooperation within the EAC today?

Politico-Security Cooperation

- 6 On which areas is the EAC political and security cooperation focused?
- 7 How are those areas determined/decided?
- 8 Why is it important for the EAC member states to cooperate in those security areas?

EAC Security Agenda

- 11 Which issues are not included on the EAC's security agenda?
- 12 Why are they excluded?

13 What would it imply if rebellions were included on the EAC agenda (if states cooperated on rebel conflicts)?

14 Enlighten me about the EAC regional standpoint about armed rebellions

Evaluating EAC security cooperation

6 How is assistance in the EAC security cooperation acquired?

7 From whom is most assistance acquired?

The future of the EAC Security cooperation

5 The EAC is looking forward, and working toward, a political federation: What steps are being made to realise that dream

6 What has been accomplished, what has not?

7 What challenges have been encountered along the way? How have they been resolved?

8 How may prevailing (and possibly future) rebellions affect the regional aspiration to a political federation?

THANK YOU VERY MUCH

Interview Guide: Ver. 1/Pol., # 1, 02 April. 12

Appendix III Organisations/Institutions Covered During Field Research

Organisation/Agency (Informants and Documents)	Informants' Categories
EAC Secretariat	Technical: Political Affairs, International Relations & Foreign Policy, Legal, Corporate Communications, Peace and Security, Resources Management, General Governance, and Records Political: Policy Guidance and Policymaking
East African Legislative Assembly (EALA)	Technical: Communications, Research, international affairs, Legislative Affairs management; Legislative drafting, and administrative assistance Political: Legislation, Oversight, Lobbying, Interstate and Inter-organs engagements, International and Regional Affairs
Ministry in the Office of the President Responsible for East African Community Affairs, Burundi	Technical: Defence and Security Affairs; Coordination; Security; Research; and Administrative affairs Policy: Policymaking and Implementation, Supervision, and policy guidance
Ministry of Public Security, Burundi	Technical: Security, intelligence, and research
Ministry of Defence, Burundi	Technical: Defence Affairs; EAC/regional Cooperation in Defence Affairs
Ministry of East African Cooperation, Tanzania	Technical and Political – EAC Affairs
Ministry of East African Community Affairs, Kenya	Technical: Cooperation on Political, Peace and Security, and EAC Regional Affairs
University of Nairobi, Kenya	Academic: Political and Social Sciences
University of Dar es Salaam	Academic: Social and Political Sciences
Ministry of EAC Affairs, Rwanda	Technical: EAC Affairs, Political and International Affairs, Social Policy and welfare, Research and information; Strategic Planning and Policy Research Policy: Policymaking, implementation, and supervision (EAC Affairs); policy guidance.
Ministry of Internal Security, Rwanda	Technical: Security Affairs; Regional/EAC Peace and Security Cooperation
Ministry of EAC Affairs, Uganda	Technical: Legal affairs, political affairs, international and regional affairs, peace and security cooperation, research and information; administration

Organisation/Agency (Informants and Documents)	Informants' Categories
	Policy: Policy formulation and implementation
Ministry of Foreign Affairs, Uganda	Technical & Policy: EAC and Ring States' affairs; International Cooperation; Regional Political and Security affairs;
Ministry of Internal Affairs, Uganda	Technical: Security affairs; Regional Cooperation on Small Arms and Light Weapons (SALWs) Policy: Policy formulation and implementation, supervision and oversight
<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i> (GIZ) (German Society for International Cooperation)	Technical: EAC Peace & Security Programs – Small Arms and Light Weapons Program; Capacity building; Technical Support; International Engagements
EAC Organs and Institutions – Arusha (EALA, EACJ, Resource Centres, Departments, Nyerere Centre, etc)	Various Documents
EAC-related Ministries: Burundi, Rwanda, Uganda, Kenya, Tanzania	Relevant Documents
Ministries of Internal Affairs/Interior, Public Security, Defence, Foreign Affairs, [ministry in the] Presidents' Office: Burundi, Rwanda, Uganda	Various Relevant Documents
<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i> (GIZ)	Documents (mainly activity reports)
Universities in East Africa and Singapore	Documents, publications
Acholi Religious Leaders' Peace Initiative (ARLPI)	Online documents on the LRA conflict
International Conference on the Great Lakes Region (ICGLR)	Documents
Regional Centre on Small Arms and Light Weapons (RECSA)	Various Documents
African Union (AU)	Various Documents (online)
World Bank	Documents (EAC Mediation/Victor Umbricht Report, 1981)

APPENDIX IV Armed Rebellions Affecting EAC States Since 1993¹⁰⁷⁰

No	Country	Rebellions	Period	Regional Implications (Transnational)
1.	BURUNDI	Genocide after assassination of president Melchior Ndadaye, 1994: Inter-ethnic rebellion (FRODEBU), left more than 50,000 died	1993-4	More than 250,000 Burundian Hutu fled to Rwanda, DRC, Tanzania
		Post-1994 political conflicts Hutu-dominated Rebellion, leading to the Uganda-led and South African-brokered Burundi Peace Processes. In 2009, the PALIPEHUTU-FNL, the last Hutu-dominated rebel group, disarmed, demobilized and registered as a political party (the FNL), according to the 2006 agreement.	Since 1994	“An internationally brokered power-sharing agreement between the Tutsi-dominated government and the Hutu rebels in 2003 paved the way for a transition process.” Integrated defence force; new constitution & elected a majority Hutu government in 2005 (led by Pierre Nkurunziza), signed a ceasefire with rebel group in Sept. 2006. In 2010, Tanzania granted citizenship/nationality to 162,000 Burundian refugees.
		2012: Report of Burundi People's Front Abatabazi. Group attacked government forces from across the DRC. Fear of a return to civil war.	Since September 2012	Researcher's investigation in Burundi, August 2012, revealed fears that a rebellion could affect DRC-Burundi security relations.
2.	RWANDA	Tutsi <i>Inyenzi</i>	Since 1959-63	Operating from Kenya, Uganda, Tanzania, DRC. Uganda chased the Inyenzi from its territory in 1962.

1070 Sources: Sarkees and Wayman, *Resort to War*; Gersony, *The Anguish of Northern Uganda*; Meredith, *The state of Africa*;; Mushemeza, *The Politics of Empowerment and Integration of Banyarwanda Refugees in Uganda, 1959-1990*; *EALA Debates* 2010 (Tues., 22 April), p. 36; *The New Vision*, Thurs., July 5, 2007 (<http://www.newvision.co.ug/D/8/13/574430>); Global Exchange, and Human Rights Watch 2008: <http://www.globalexchange.org/countries/africa/kenya/5584.html>; Bernard Kwalia and Erick Ngobilo, 2010 (Thurs., April 22), 'Top Sabaot militia leader surrenders', Nairobi: Daily Nation (online: accessed on 12 Feb 2013 from <http://www.nation.co.ke/News/regional/Top%20Sabaot%20militia%20leader%20surrenders%20/-/1070/904774/-/cwpoa3/-/index.html>); Andrew Cawthorne, 2008 (27 April), 'Kenyan army accused of mass torture in Mt Elgon', Cape Town: African Mail and Guardian (from <http://www.mg.co.za/article/2008-04-27-kenyan-army-accused-of-mass-torture-in-mt-elgon>, accessed 16 Dec. 2010); Republic of Kenya, 2010, Commission of Inquiry into Post-Election Violence (CIPEV), Nairobi, Waki Commission Report (http://www.knchr.org/Portals/0/Other%20Reports/Waki_Report.pdf, 11 Feb. 2013); BBC, 2012, Burundi Profile, London: BBC (online from <http://www.bbc.co.uk/news/world-africa-13087604>, 10 Feb. 2013); Refugee World, 2010, 'Uganda Refugee analysis: Fact Finding Reports', Immigration and Refugee Board of Canada (IRBC) (online <http://www.unhcr.org/refworld/country,,IRBC,,UGA,456d621e2,3df4bebb20,0.htm>), and 2010, Uganda Rebel Group', Toronto: IRBC (<http://www.unhcr.org/refworld/docid/3df4bebb20.html> [all accessed 16 Dec. 2010).

No	Country	Rebellions	Period	Regional Implications (Transnational)
		Rwandese Patriotic Front (RPF)	1991-1994	Led by former refugees who had integrated in Uganda's security, following the 1981-86 rebellion. Joined by other refugees from Zaire, Tanzania, Kenya, and outside Africa
		Rwandan rebel groups linked to former pre-genocide Rwanda armed forces, and genocidaires (e.g. <i>Interahamwe</i>)	Since 1994	Operating mainly from DRC; supported by other extremists in the world. Rwanda Vs. DRC, 1998-2003; led to Laurent Nkunda's rebellion in DRC, 2008-2010
		Anti-government forces and renegade officers	Since 2009	Chased from East Africa. Now in Diaspora
3.	UGANDA	Anti-Amin rebellions, e.g. Front for National Salvation (FRONASA)	From 1972 till Amin's fall, 1979.	operating from Tanzania, searching for safe havens from Zaire and Kenya
		Post-Amin rebellions, e.g. Ugandan National Rescue Front I (UNRF1); National Resistance Army (NRA); Uganda Federal Democratic Movement (FEDEMU), etc.	1981-86	Operating from Uganda. External wings in neighbouring countries
		Post-1986 Anti-Museveni rebellions: West Nile Bank Front (WNBF), Uganda National Rescue Front (UNRF II), Uganda National Democratic Alliance (UNDA); Uganda People's Army (UPA, 1987-1992); Holy Spirits Movement (HSM, 1986-87)	1986-1990s	UNDA was "possibly headquartered in Germany". WNBF and UNRF had accessed Sudanese & Zairian territories
		National Army for the Liberation of Uganda (NALU); Allied Democratic Forces (ADF)	1980s-1993; ADF, since 1996	Operational bases, training grounds, in DRC; alleged Sudanese support; extra-Africa alliances with Islamic Tabliq fundamentalists, connection with the ex-FAR/Interahamwe militias in the Region
		Lord's Resistance Movement / Army (LRM/A)	Since 1987	Operational bases in Sudan, DRC. Now stretched to Central African Republic. EALA 2003 resolution ignored.

No	Country	Rebellions	Period	Regional Implications (Transnational)
5	KENYA	Sabaot Land Defence Forces (SLDF): (Wycliffe Matakwei Kirui Komon, later his deputy)	Since 2005	Hiding in Elgon mountains near Uganda the border. Got SALWs from Somalia. Leaders exiled in Uganda. IMLU sued EAC and Kenya to EACJ. The EACJ absolved the EAC from the civil conflict.
		Post-Dec. 2007 elections violence (more than 1,500 killed). Country often suffers fatal inter-communal, conflicts.		Blocked access to sea for Uganda, Rwanda, Burundi, and Eastern DRC. Kofi Annan's (under AU Panel of the Wise). Power-sharing agreement. EALA Resolution not implemented.
5	TANZANIA	Zanzibar Revolution Dar es Salaam Mutiny	1964	Only time when country was faced intrastate insecurity lasting few days.

Several Sources: See Note on Table; Sarkees and Wayman

APPENDIX V Selected Terrorism Attacks against EAC States¹⁰⁷¹

Country	Month/Year and place of attack	[Alleged/Suspected] Responsibility	[Alleged] Links with International Terrorist and other Groups
BURUNDI	1990s - 2012: Country-wide - Collective political violence	Several Groups	Regional geopolitically contiguous insecurities; rebel groups; proliferation of SALWs; diasporas
KENYA	8 Aug 1998: Nairobi - truck bombings of U.S. embassy in Nairobi	Al-Qaeda	Global terror
	28 November 2002 – 2012: Several attacks, several places, several deaths and destruction	Al-Qaeda; al-Shabaab, and other groups.	Al-Qaeda, al-Shabaab, Western Militants, MRC, and other unknown groups intricately linked to regional, continental, and global terrorist organisations.
	21-14 September 2013: Siege on Westgate Shopping Mall. 67 killed, 175 injured	Al-Shabaab. Apparently in response to Kenya's <i>Operation Linda Nchi</i> against the Al-Shabaab in Somalia	Op Cit
RWANDA	1990s: nationwide – political and civil violence culminating in 1994 genocide.	Various party militias, led by <i>Interahamwe</i>	Regional geopolitical dimensions. Post-genocide crises in the region.
	Post-1995: different terrorist attacks in urban and rural areas	Several, unclear	Geopolitical dimensions; Diaspora; presence of rebel groups in DRC sometimes accused.
TANZANIA	8 Aug 1998: Dar es Salaam - truck bombings of U.S. embassy in Dar es Salaam	Al-Qaeda	Global terror
	Since 1998: Minor terrorist threats	Both local and international/regional groups suspected	Unclear

¹⁰⁷¹ This table is only indicative of the threat of terrorism in the EAC. Sources: Country Reports on Terrorism; Patterns of Global Terrorism; CIA, 2012, World Fact Book (respective countries); Timelines (<http://www.timelinesdb.com>, and <http://timelines.ws/countries/UGANDA.HTML>, 5 June 2013); Press Reports; Monty G. Marshall, 2002, Global Terrorism: An Overview and Analysis (Draft 09/11/02), Maryland: Centre for Systematic Peace Occasional Paper Series; Mombasa Travel, 2012, 'Chronology of terrorist attacks in Kenya', (<http://www.mombasa.travel/chronology-of-terrorist-attacks-in-kenya/>, 11 March 2013)

Country	Month/Year and place of attack	[Alleged/Suspected] Responsibility	[Alleged] Links with International Terrorist and other Groups
	November 2011: Minister Shamsa Vuai Nahodha (Home Affairs) announces that police detained 10 Tanzanians: suspected connections with al-Shabaab.	Al-Shabaab: possibly was trying to recruit and train Tanzanians in its ranks	Potential regional expansion as Tanzania is least terrorist-affected. Suspects arrested by Kenyan authorities on Kenya-Somalia border
UGANDA	1993- to-date: several urban and rural attacks and bomb explosions, several deaths.	Al-Qaeda operatives. Some rebel groups (ADF, LRA, NALU) accused of terror tactics.	Global terror. LRA & ADF had sanctuary in Sudan and DRC
	20 April 1995: Massacres of more than 200 civilians at Atiak, Northern Uganda	LRA	Alleged link with Islamic fundamentalists in Sudan under Hassan al-Tourabi.
	10 October 1996: 139 girls abducted from St Mary's Girls School, Aboke, a Catholic school run by the Italian St Egideo Community of Rome	LRA	Attracted international attention to Uganda's insurgency: Pope John Paul II & other world leaders pleaded with rebels in vain. School's deputy head-teacher, Sr Rachele Fassera, pursued LRA, negotiated release of 109 girls; 30 retained
	8 June 1998: 80 students of Kichwamba Technical College, Kabarole, locked and burnt in dormitories. Around 100 more abducted	ADF	Bases in neighbouring DRC. global terrorism threat: ADF reportedly acquired terrorism training from Afghanistan
	11 July 2010: Kampala - twin bombings (Ethiopian Restaurant, & Lugogo Rugby club) during the World Cup finals: 76 killed.	Al-Shabab. Said it retaliated Uganda's contribution to AMISOM forces in Somalia	Links with Al-Qaeda and other international terrorist groups

Al-Shabaab's attacks within Somalia started in the late 2000s and worsened since 2010. Its incessant attacks resulted in the deaths of hundreds of people, including innocent women and children, destruction of property, paralysing states, economies, and societies in Eastern Africa. Like Boko Haram in northern Nigeria, al-Shabaab continues to threaten regional security. Boko Haram also maintained a high-level operational tempo in 201. It kidnapped, killed, bombed, and attacked civilian, military, and other targets in northern Nigeria. Numerous deaths, injuries, and destruction of property, and general fear were the experiences of Nigeria by end of 2013 and are likely to continue – if not worsen – in 2014. The numbers, sophistication, and operational reach of Boko Haram's attacks are highly concerning. Beyond the group's alleged focus on principally local/Nigerian issues and actors, it must have financial, operational, and training links with other violent extremists in the Sahel region and beyond in the post-Qaddafi geo-security vacuum. This will allow it to spread – forcefully or inevitably for the states in the region - to neighboring Cameroon, Chad, and Niger. This will help it to evade pressure from Nigeria and conduct operations even beyond unlike al-Shabaab which now suffers organized offensives from states in the region.

- 11 July 2010 – al-Shaabad carried out twin suicide bombings in Kampala, Uganda, during the World Cup finals' march. 76 killed. This was its first major attack outside Somalia.
- About least 17 attacks involving grenades/explosive devices in Kenya, targeting police stations and police vehicles, nightclubs and bars, churches, a religious gathering, a downtown building of small shops, and a bus station. About 48 killed; 200 injured. Nine of the attacks occurred in North Eastern Province (El Wak, Garissa, Dadaab, Mandera, Kiwayu, Kiunga, Liboi Wajir). Four attacks occurred in Nairobi, and four in Mombasa. There were two simultaneous assaults on churches in Garissa on 1 July 2012, where 17 people were killed; about 50 injured
- March 2012 - a series of mortar attacks against the Somali presidential palace
- April 2012 - suicide attack targeting Prime Minister Abdiweli Mohamed Ali at Mogadishu's National Theater. 05 killed
- May 2012 - suicide attack at a Café in Dusa Mareb. 07 killed seven people, including 02 Members of the Somali Parliament;
- November 2012 - violent attack on the town near the Kenyan border. 12 killed.
- Several deadly grenade attacks and suicide bombings in Kenya. In 2013:
- 18 March 2013 - car bomb detonation, targeting and injuring Somali intelligence Chief, Kahlif Ahmed Ereg, near the National Theater in Mogadishu. 10 civilians killed; 15 injured.

1072 Sources: Country Report on Terrorism 2013, p. 45-6; Country Reports on Terrorism 2012, p. 288-9; US Embassy, Nairobi, 'Travel Warning on Kenya', 4 April and 9 July 2012 (<http://nairobi.usembassy.gov/mssg-070912.html>, accessed 12 Dec 2013); Samuel L. Aronson, 2013, 'Kenya and the Global War on Terror: Neglecting History and Geopolitics in Approaches to Counterterrorism', *African Journal of Criminology and Justice Studies* 7 (1&2):25-34

- 14 April - nine heavily-armed al-Shabaab suicide bombers raided Mogadishu's Supreme Court complex – the Benadir Regional Courthouse. They executed a vehicle-borne improvised explosive device (VBIED) secondary attack on first responders and onlookers. More than 30 killed; 35 injured.
- 14 April – attack on a Turkish NGO vehicle with a VBIED in Mogadishu. 02 Turkish aid workers and other Somali civilians killed.
- 19 June – attack on the UN Common Compound, 100 meters from Mogadishu International Airport, using a VBIED. Attackers entered the compound with a secondary vehicle and used small weapons to kill 22 people, including 03 international staff. Many more injured.
- 12 July – strike against an AMISOM convoy near Mogadishu International Airport. Al-Shabaab publicly admitted that they had targeted U.S. intelligence officials.
- 27 July 27 - attacked against Turkish Embassy housing complex in Mogadishu, using a VBIED and small weapons. 03 al-Shabaab attackers killed. 01 Turkish security guard and seven Somali security guards killed. 13 others injured.
- 03 & 04 September – attack on President Hassan Sheikh Mohamud's convoy, using improvised explosive devices (IED). The President was travelling to Merka, Lower Shabelle. Survived.
- 07 September 7, al-Shabaab executed a two-part VBIED and suicide attack against the popular Villa Restaurant in Mogadishu, killing at least 18 civilians.
- On September and 05 November – target on the convoy of Interim Juba Administration President, Ahmed Madobe, with a VBIED outside Kismayo airport. Civilians killed. Magobe injured in subsequent attack on 12 September 2013.
- 21 September 2013 - al-Shabaab attacked the Westgate Mall in Nairobi, Kenya. At least 65 civilians, including foreign nationals from 13 countries outside of Kenya and six soldiers and police officers killed. Hundreds more injured. The siege lasted until 24 September.
- 08 November - al-Shabaab failed to fully detonate a sophisticated IED embedded in a laptop at the popular Maka al-Mukarama hotel in Mogadishu. Hotel frequented by high-level government and security officials. 06 killed, and 15 injured, when a secondary VBIED detonated in the parking lot.
- 19 November - al-Shabaab attack police station in Beledweyne with a VBIED, grenades, and small weapons. 21 Somali police officers killed, together with 01 Djiboutian AMISOM soldier.
- Several other incidents and atrocities un-captured

APPENDIX VII **Selected List of Africa-Based International Instruments on Counterterrorism and Control of SALWs Proliferation**

Charter of the Organization of African Unity, 1963 - Art. II (2)(f); III; ad VII (4)

Declaration on the Denuclearization of Africa (OAU Resolution 11(1), 1964)

Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969

OAU Convention for the Elimination of Mercenarism in Africa, 1977 [CM/817 (XXIX)]

Declaration on the establishment of a Mechanism for Conflict Prevention, Management and Resolution within the OAU, 1993 [(**Cairo Declaration**)]

Declaration on the Code of Conduct for Inter-African Relations, 1994 [AHG/Decl.2 (XXX)] [**Tunis Declaration**]

African Nuclear Weapon-Free Zone Treaty (Pelindaba Treaty), 1996

Plan of Action on a Landmine Free Africa (following Continental Conference of African Experts on Anti-Personnel Mines, May 1995; endorsed by Ministerial Council sitting in Harare, May 1997) Convention on the Prevention and Combating of Terrorism, 1999 [**Algiers Convention**]

Memorandum of Understanding among Member Governments of the Eastern and Southern Africa Anti-Money Laundering Group, 1999 [*Arusha MoU*]

Constitutive Act of the African Union, 2000 [esp. Art 3(f); 4(d)-(j); 5(2)]

Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), 2000 [AHG/Decl.4 (XXXVI)] [Lome CSSDCA]

Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government, 2000 [AHG/Decl.5 (XXXVI)] [**Lome Declaration**]

Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, 2000 [**Bamako Declaration**]

Summit Decision to incorporate the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution as one of the organs of the African Union, 2001 [AHG/Dec.160 (XXXVII)] [**Lusaka Decision**]

Plan of Action of the African Union High-Level Inter Governmental Meeting on the Prevention and Combating of Terrorism in Africa, 2002

Protocol Relating to the Establishment of the Peace and Security Council of the African Union, 2002

Protocol on Amendments to the Constitutive Act of the African Union, 2003

Protocol to the OAU Convention on the Prevention and Combating of Terrorism, 2004

Protocol to the OAU Convention on the Prevention and Combating of Terrorism, 2004

Memorandum of Understanding between Governments of Member States of the Middle East and Northern Africa Financial Action Task Force against Money Laundering and Terrorist Financing, 2004 [*Manama MoU*]

Common African Position on Anti-Personnel Landmines, 2004

African Union Non-Aggression and Common Defence Pact, 2005

MEMORANDUM OF UNDERSTANDING on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities, and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, 2008

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009

African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, 2011 [**Lome Strategy**]

The African Model Anti-Terrorism Law, 2011

Decision on the Report of the Peace and Security Council on its Activities and the State of Peace And Security in Africa, 2013 [Doc. Assembly/AU/3(XX)]

African Union Convention on Cross-Border Cooperation (Niamey Convention), 2014

EAC-Related Instruments

Treaty for East African Cooperation, 1967

Memorandum of Understanding on Foreign Policy Co-ordination, 1999

Treaty for the Establishment of the East African Community, 1999

Memorandum of Understanding on Cooperation in Defence Affairs, 1998/2001

Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, 2000

Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa, and Bordering States, 2004

Strategy for Regional Peace and Security in the East African Community, 2006

Protocol on Cooperation in Defence Matters, 2012

Protocol on Peace and Security Cooperation, 2012

APPENDIX VII Research Clearance



Approval Number: NUS 1557

NUS-IRB Reference Code: 12-086

NUS INSTITUTIONAL REVIEW BOARD (IRB) APPROVAL CERTIFICATE

A) Protocol Title: Regionalism and Non-Conventional Security Cooperation: Lessons from the East African Community

Simplified Title: Regional Security Cooperation in the East African Community

Principal Investigator: Mr Sabastiano Rwengabo (PhD Student)

Department: Political Science

Institution: National University of Singapore

Co-Investigator: A/Prof Janice Bially Mattern

Sponsor (if applicable): -N.A.-

Research Site: Dept of Political Science
Faculty of Arts & Social Sciences
National University of Singapore; and
The East African Community, East Africa

B) Documents Reviewed

<u>Documents</u>	<u>Document Date</u>
1. NUS-IRB Application Form	Version 4, 2 April 2012
2. Invitation Letter/ Email	Version 2, 2 April 2012
3. Participant Information Sheet and Consent Research	Version 4, 2 April 2012
4. Interview Guides	Version 2, 2 March 2012
5. Abridged Interview Guides	Version 1, 2 April 2012
6. Investigators' Curriculum Vitae	--

C) The above-mentioned documents have been reviewed and have been approved on 18 April 2012. The Board is organized and operated according to GCP guidelines, BAC guidelines and the applicable laws and regulations of Singapore.

D) Please note that:

- (1) No subject should be admitted to the trial before MCRC issues the certificate for the trial (applicable for drug trials only).
- (2) This approval shall remain valid until the completion of the research or notification of termination of the research, whichever is earlier.

Approval Number: NUS 1557


NUS-IRB Reference Code: 12-086

- (3) Approval will be withdrawn if there is non-compliance by the Principal Investigator to the regulation on:
- (a) reporting of serious adverse events ("SAEs") on patients in Singapore within the specific time frame;
 - (b) submission of the annual report to the NUS-IRB within the specified time frame.
- (4) No deviation from, or changes of, the protocol should be initiated without prior written NUS-IRB approval of an appropriate amendment, except when necessary to eliminate immediate hazards to the subjects or when the change(s) involve(s) only logistical or administrative aspects of the trial [e.g. change of monitor(s), telephone number(s)].
- (5) The Principal Investigator should promptly inform the NUS-IRB of:
- (a) Deviations from, or changes of, the protocol to eliminate immediate hazards to the trial subjects;
 - (b) Changes increasing the risk to subjects and/or affecting significantly the conduct of the trial;
 - (c) All adverse events and adverse drug reactions (ADRs) that are both serious and unexpected;
 - (d) New information that may affect adversely the safety of the subjects or the conduct of the trial;
 - (e) The completion of the research.
- (6) The Principal Investigator should provide NUS-IRB with a copy of the final summary or final report of the research within 3 months after the completion of the research. The first continuing review report will be due on 31 December 2012. Please use the attached Continuing Review Form. Please note that failure to submit the Continuing Report for the research may result in the IRB's termination of its approval for your research.

E) Serious Adverse Events / Adverse Events reporting

Reports of local or overseas serious adverse events (including Medwatch reports or equivalent) must be accompanied by PI's analysis/evaluation of these events / reports. For local serious adverse event (including Singapore multi-centered trials), please use the attached format in Report of Local SAE Form.

F) Signature of NUS-IRB Chairman:



Professor Lee Hin Peng
NUS Institutional Review Board
Clinical Research Centre
Blk MD 11, #03-02
10 Medical Drive
Singapore 117597
Tel: 6516 4311 / 5453
Fax: 6778 3430

18 April 2012
Date

APPENDIX VIII AUTHOR'S CURRICULUM VITAE

Sabastiano RWENGABO

Phone(s) +65 83 565 019/+256 782 808 220:: Email: rwengabo@nus.edu.sg / rweruta00@gmail.com

CAREER OBJECTIVES

Goal-oriented Researcher and Practitioner in Conflict Resolution, Regional and International Security, Civil-Military Relations, and Strategic Governance, especially on Africa. I seek opportunity in any Organisation that seeks to provide solutions to real-world problems of conflicts, insecurity, and development stratagem.

EDUCATION

Doctor of Philosophy (PhD) in Political Science (Regionalism & International Security): Aug 2010-Aug 2014

- Department of Political Science, National University of Singapore (NUS)
- **Dissertation Title:** *Regional Security Cooperation in the East African Community*
- Completion: July 2014

Master of Arts (Public Administration and Management)

Aug 2005 – Jul 2007

- Makerere University, Kampala/Uganda
- Dissertation Title: *Uganda's Electoral Commission and the Management of the 2006 Presidential Elections*

Bachelor of Arts (Hons.) in Social Sciences

Aug 2002 – May 2005

- Makerere University – First Class
- Dissertation: *Copying with Financial Constraints by Indigenous NGOs in Uganda*

PROFESSIONAL EXPERIENCE

Part-Time (PR) Teaching (Research), Department of Political Science.

Since Aug 2014

National University of Singapore (NUS), Singapore

- Running weekly DG classes in Civil-Military Relations (PS3265), Introduction to Politics (PS1101E/GEK1003) in assistance to Dr Terence Lee and Dr Yoshinori Nishizaki respectively
- Regular consultations for, and guidance to, students on academic and non-academic issues affecting their University education and beyond
- Assigning and grading semester assignments and continuous assessments
- Grading final end-of-semester examinations [expected Dec. 2014]

Returning Officer (RO) & District Registrar, Kibaale District

Jan 2010 – Jul 2010

Electoral Commission (EC), Uganda

- Pioneered the incorporation of Finance Reports as part of the EC's periodic reports submitted by ROs. Hand over report received as a model for EC reporting and communicated to some ROs.
- Underscored the security and operational challenges of managing elections in border districts with water bodies and neighbouring turbulent states like the DRC. This led to designation of Island areas of the district (Ndaiga sub-county, on L. Albert, to the DRC border) as hard-to-reach areas, hence appropriate attention and resources

- Managed process of creating new electoral areas and administrative units, and recommended appointment of area supervisors for these areas. Recommendations adopted by Commission and supervisors appointed. Most members of the supervision team still working to-date.
- Initiated a programmatic emphasis on free and fair and peaceful elections in Kibaale, writing to all stakeholders and engaging them in various fora. Stakeholders hearkened, and a hitherto violent district had peaceful election processes with no election court petitions and no major complaints
- Recruited, deployed, and supervised electoral supervisors, registration & update officials, and ensured their motivation. District team successfully ensured smooth conduct of electoral activities
- Managed, reported on, and accounted for, electoral processes, activities, personnel, financial & other resources allocated to the district. No ambiguities, inadequacies and/or audit queries raised
- Successfully and efficiently managed and accomplished all other elections management activities entrusted to the offices of Returning Officer and District Registrar. Track record clear.

Election Officer/Assistant District Registrar, Kamuli District

Jul 2007 – Dec 2010

Electoral Commission (EC), Uganda

- Initiated new electoral programs, activities, and reporting procedures that improved upon voter registration processes, reporting, and accountability. District acknowledged as one of the best reporting field areas in Uganda's EC
- Developed technical and detailed responses to media allegations about irregularities in the National Voters' Register. Response acknowledged as best field-based contribution to clarifying and responding to allegations related to the Register, communicating to the public the process of Voters' Register development, cleaning, and maintenance
- Boosted EC team in the district with superb report-writing and communication skills, which were valuable during radio talk-shows, regular seminars with stakeholders, and other avenues. Stakeholders acknowledge our submissions as very informative. EC acknowledged the district as submitting some of the best and most comprehensive reports in the country.
- Developed legal responses to electoral petition regarding election of district chairperson, where the EC was attached as a respondent. District office effectively defended the institution and the EC won the petition. Reference can be made to High Court in Jinja
- Provided all other requirements of EO/Ass. District Registrar as provided for on the EC personnel manual and as required during day-to-day running of electoral processes. Interested parties can seek clarification from former ROs, Kamuli, 2007-2010.

EO/District complaints Desk and Systems Officer, Kamuli District

Jan 2006 – Jul 2006

Electoral Commission, Uganda

- Pioneered an election complaints investigation and resolution mechanism involving multiple stakeholders and periodically reported progress on these initiatives. District had second-highest number of reported and resolved complaints in the country.
- Received, analysed and provided the District Registrar and National Complaints Desk and Systems Office with up-to-date information and analysis of complaints related to the electoral process. Reports helped district security office and national complaints office to engage stakeholders and resolve election complaints. District had peaceful elections
- Collected and provided up-to-date information and analysis on complaints and their resolution in the district. Report provided benchmark for future management of election complaints.
- Convened constituency and district peace committees, and advised Returning Officer on sanctions to be levied for electoral offences. Timely management and resolution of election conflicts

- Managing and stakeholder emotions and conflicts during the management and resolution of their complaints, convened district peace committee meetings to resolve conflicts while working under minimum supervision. Complaints handling mechanism prevented electoral violence
- Researched and published on election complaints management mechanisms in the EC, 2008

TEACHING AND MENTORSHIP

Graduate Teaching Assistant, Department of Political Science
National University of Singapore (NUS), Singapore

Jan 2011 – Dec. 2014

- Taught several courses in the Department: International Security, Civil-Military Relations, International Relations, International Politics of Southeast Asia, and Introduction to Politics
- Held regular consultations for students in need of assistance in the programs
- Conducted assessment of students' progress and examined their termly assignments
- Mentored students on academic writing, progressive pursuit of academic and non-academic careers, co-curricular excellence, and preparing themselves to confront and address real-life challenges facing the world
- Regularly advised students involved in Singapore government service – in various ministries – on how to combine their academic requirements with their job demands. Performance rate for such students remained encouragingly high
- Received consistent positive evaluations from students taught since 2011

Experience as a Trainer of Trainers in Elections Management

July 2007 – July 2010

- Trained trainers and supervisors who would be assigned to train and supervise election officials during elections. Experience in field operations, leadership, and team-building.
- Achieved high-level effectiveness in training that helped avoid errors and omissions in EC work
- Mentored many young Ugandans in various aspects of self- and national development

RESEARCH EXPERIENCE

Originated study on security cooperation in the East African Community (EAC).

Since 2011

- Proposal approved for my PhD research. Effectively conducted field research in Burundi, Kenya, Rwanda, Tanzania, Uganda and the EAC Secretariat at Arusha. Wrote a PhD Thesis on *Regional Security Cooperation in the East African Community*

Initiated and conducted research on Civil-Military Relations of post-1986 political stability in conflict-prone/coup-prone Uganda.

2011-2012

- Study resulted in a paper published in the SAGE journal *Armed Forces and Society*

Investigated the relationship between diasporas and insecurity in Africa's Great Lakes Region. Nov 2011

- Study led to presentation at a conference on Diaspora and Development, held in New Delhi, India.
- Paper published as Chapter in edited Book

Conducted study on security dimension of social protection in Kampala City, Uganda, under the auspices of the Organisation for Social Science Research in Eastern Africa (SSREA).

Nov. 2010

- Study findings published as Book Chapter.

Undertook various desk-based research studies alongside doctoral studies.

2010 - 2014

- Studies resulted in publications in *Eastern Africa Social Science Research Review*, *OSSREA Bulletin*, *South African Journal of International Affairs* (a book review), and *Journal of Law and Conflict Resolution*.

Coordinated study on *Religion and Democratisation Processes in Africa*, funded by TrustAfrica, covering the countries of Democratic Republic of Congo (DRC), Kenya, Nigeria, Senegal, and Uganda. 2008-2010

- All team members completed their work. Research reports submitted to TrustAfrica. All grant-related resources accounted for. Network of young researchers under my coordination/leadership

Conducted research on *Privatised Security in Kampala City, Uganda*

May – Oct 2009

- Presentation to the Democratic Governance Institute on *Private Security Companies and Democratic Governance in Africa*, conducted by the Council for the Development of Social Science Research in Africa (CODEARIA), Dakar, Senegal, 2009.

Investigated the Lord's Resistance Army (LRA) conflict in northern Uganda.

May – Oct 2008

- Study accepted for presentation in the CODESRIA Democratic Governance on *Religion and Religiosities in African Governance*, held in Dakar.
- Attendance of the Institute led to formation of the aforesaid African Network of Young Researchers on Religion and Politics in Africa that carried out the TrustAfrica-funded project I coordinated.

Researched on elections and democratisation in Uganda.

Jul 2005 – Dec 2008

- Study results: workshop in Norway, MA dissertation, and an edited book on the 2006 elections.
- Chapters (01 single; 01 co-authored) in the book *Electoral Democracy in Uganda*

CO-CURRICULAR

Representative, Asia-Pacific Youth Internet Governance Forum (yIGF).

Sept 2011

- Selected to attend the Internet Governance Forum held at the United Nations Office, Nairobi (UNON), together with a team of students from Nanyang Technological University's Singapore Internet Research Centre (SiRC) to the UNON forum, Nairobi
- Fruitful interactions with internet entrepreneurs like Google, Yahoo!, UN officials, and Nation-States' internet policy practitioners at the UNON
- Clearer appreciation of the relationship between internet governance and contemporary security and other governance challenges facing state and non-state governance practitioners

Member, Organising Committee, Asia-Pacific Worlds in Motion IV

Feb 2012

- Organized the Fourth annual conference on *Asia-Pacific Worlds in Motion* held in Singapore, between NUS, University of British Columbia, and others. Worked well with FASS colleagues.

Member, Graduate Students-Faculty' Committee

Jan 2011 – July 2013

- Was responsible for liaising between Department and Faculty on one hand and graduate affairs of students on the other. Suggested regular encounters between department and students adopted.
- Initiated and had adopted ideas generated when I chaired meetings evaluating some applicant Professors. Most of our recommended professors were recruited in the Department.

AWARDS, SCHOLARSHIPS, & GRANTS

Presidents Graduate Fellowship, NUS (Singapore)

since Jan 2013

- Singapore, academic excellence award, under the auspices of National University of Singapore. Award sponsored by Government of Singapore, through the University.

PhD Research Scholarship, NUS (Singapore)

Aug 2010 – Dec 2012

- National University of Singapore merit graduate scholarship. Awarded upon admission basing on previous work- and research-related achievements and academic promise.

- Research/MA Fellowship (Bergen, Norway & Kampala, Uganda) Jul 2005 – May 2007
- Christian Michelsen Institute (CMI), Bergen, Norway in collaboration with Makerere, Uganda.
 - Fellowship involved researching on elections and democratisation processes in Uganda, attending workshops in Norway and Uganda, writing MA dissertation, and publishing.
- OSSREA Research (OSSREA, Addis Ababa, Ethiopia) Grant Dec 2010 – May 2011
- OSSREA program on Informal and Formal Social Protection Systems in Africa. Research resulted in publication as book chapter
- TrustAfrica Research (Dakar, Senegal) Grant Aug 2008 - Sept 2010
- Project Coordinator for research program covering Senegal, Nigeria, DRC, Kenya, and Uganda. All team members submitted their research findings in time. Team members remain part of the researchers network on Religion and Governance in Africa
- Global Consortium on Security Transformation (GCST) (Santiago de Chile, Chile) Grant. May-Nov 2010
- Grant involved study on security transformation in the global south. Results of my study on informal security in slum areas of Kampala published in GCST's *New Voices* Series, 2012
- CODESRIA Democratic Governance Institutes (Dakar, Senegal) Oct.-Nov. 2009
- Sponsored for the 2009 on *Private Security Companies and Democratic Governance in Africa*, under the directorship of Dr Jeffrey Isima. In this institute, a lot was learnt and taught about privatization of security and the challenge of securing ungoverned spaces. A lot about Africa's security landscape learnt in the 6-weeks rigorous training in the Institute
 - I researched and presented a paper on Privatized Security in Kampala Metropolis, Uganda.
 - Institute facilitated my network with the Santiago de Chile-based Global Consortium on Security Transformation from which I later got a research grant.
- CODESRIA Democratic Governance Institute (Dakar, Senegal) Aug 2008
- Sponsored to participate in the 2008 Democratic Governance Institute on *Religions and Religiosities in African Governance*, under the directorship of Prof Jacob Olupona (Harvard Divinity School)
 - I researched for and presented a paper on the link between religio-spiritual belief systems and the metamorphosis of the LRA rebellion in Northern Uganda
 - Institute facilitated emergence of research networks and further research on these issues, leading to research grant from TrustAfrica under the "Meeting the Challenge of Religion and Pluralism in Africa", with the project *Religion and Democratisation Processes in Africa* under my coordination.

ORGANIZATION MEMBERSHIPS (Past & Present)

Alumnus, National University of Singapore (NUS)	from 2014
Consultancy Africa Intelligence (CAI) (http://www.consultancyafrica.com/):	Since March 2014
Member (annual), International Political Science Association (IPSA)	2012-13
Associate Fellow, Africa Research and Resource Forum (ARRF)	since 2012
Founding Member, Inspire International (http://iiiet.org/)	since 2013
Member (annual) and former Laureate CODESRIA	since 2006

OTHER SKILLS

IT Skills: Proficient in Microsoft Office programs, Internet/Web browsing, Online research, Reference Manager, EndNoteX7

Languages: Proficient in written & spoken English; Good in Kiswahili; Proficient in Runyakitara

Other Training

- 2010 Singapore: Training for University Scholars, Centre for the Development of Teaching and Learning, National University of Singapore
- Postgraduate Certificate (Research Methods) (2006) – Centre for Basic Research (Kampala/Uganda)
- 2009 Dakar/Senegal: Council for the Development of Social Science Research in Africa (CODESRIA) Governance Institute: *Privatised Security and Democratic Governance in Africa*
- 2008 Dakar/Senegal: CODESRIA Governance Institute: *Religion and Religiosities in Africa Governance*
- Periodic Training: Electoral Commission, Uganda, 2006-2010
- 2006 Nairobi/Kenya: CODESRIA training on Writing for Scholarly Publishing

PUBLICATIONS**Journal Papers**

- 2013, 'Regime Stability in Post-1986 Uganda: Counting the Benefits of Coup-Proofing', *Armed Forces and Society*, Vol. 39, No. 3, pp. 531-559
- 2012, 'Hegemony: From Domestic Dominance to Global Empire', *Eastern Africa Social Science Research Review*, Vol. 28, No 1, pp. 1-26
- 2011, 'Legalisation versus Instrumentalisation: United States, International Law and World Politics', *Journal of Law and Conflict Resolution* Vol. 3, No.8, pp. 130-141
- 2011, *Book Review: 'Whose Ideas Matter? Agency and Power in Asian Regionalism'*, South African Journal of International Affairs, *Volume 18, Issue 1, 2011*

Book Chapters

- 2014, 'The Dark Side of Diasporas in Africa's Great Lakes Region', in S. Sahoo and B.K. Patternaik, eds., *Global Diasporas and Development: Socioeconomic, Cultural and Policy Perspectives*, 283-304
- 2013, 'Securing the Urban Poor in the Age of Privatisation: Lessons from Kampala City, Uganda', in Stephen Devereux, Melese Getu, eds., *Informal and Formal Social Protection Systems in Sub-Saharan Africa*, Kampala: Fountain Publishers
- 2014, 'Uganda's Gendered Polity since 1995: The Reconstitution of the Public Sphere to Enhance the Presence and Participation of Women', in Amri Larousi and Ramola Ramtohul, Eds., *Gender and Citizenship in the Age of Globalisation*, Dakar: CODESRIA, pp. 245-265
- 2008, 'The Unknown Arbiter: Understanding the Complaints Handling Mechanisms during the 2006 Elections in Uganda', in Julius Kiiza, Sabiti-Makara and Lise Rakner, *Electoral Democracy in Uganda*, Kampala: Fountain

- With Sabiti-Makara & Lise Rakner, 2008, 'Administering the 2006 Multi-party Elections: The Role of the electoral Commission, in Kiiza, Sabiti-Makara and Rakner, *Electoral Democracy in Uganda*

Others

- 2013, Strategic Repositioning in a Hyper-Competitive World: Rising China and Economic Partnership Agreements between European Union and African Countries', *OSSREA Bulletin*, Vol. X No. 1, pp. 9-24
- 2011, *Beyond the Spiritual: New Christianities and 21st Century Governance Challenges in Africa*, Saabruken: LAP Lambert Academic Publishing
- with AM Tusingwire, 2011, *Beyond Casting the Ballot: From Elections Conduct to Extra-institutional Elections Fraud in Post-1995 Uganda*, Saabruken: LAP Publishing
- 2011 (Feb), 'Neither Formal nor Marketized: Privatized Security in the Slum Areas of Kampala City, Uganda', GCST New Voices Series, No. 12: 1-28 Santiago de, Chile: GCST.
- 2010, 'The Evolving Continental Integration', *The New Path*, Vol. 4, No.4, Nairobi: ARRF
- 2010, 'Intra-EAC Migration, Regional Migration Ethos and Citizenry', *The New Path*, 5(2), ARRF.

SELECTED INTERNATIONAL CONFERENCES

Hong Kong, PRC, June 2013: *12th Annual Research Postgraduate Conference in the Social Sciences*, the University of Hong Kong (HKU), hosted by HKU's Faculty of Social Sciences (Pokfulam Road, HK) - Theme: Transnationalism and Global Migration. Presented a paper on: *The Migrations-Interstate Conflicts Relationship*

Kampala, Uganda, 19-20 November 2012: Council for Research in Values and Philosophy (RVP)-Makerere University conference on *Africa in the Emerging New World Order: Development, Culture and the State*. Presented a paper entitled "Strategic Repositioning in a Hyper-Competitive World."

Nairobi, Kenya, 27-30 Sept 2011: Global (UN-hosted) *Internet Governance Forum*. Attended under the auspices of the SiRC/Asia-Pacific Youth Internet Governance Forum.

New Delhi, India, 7-8 Sept 2011: Conference on *Diaspora and Development Prospects and Implications for Nation States*. Presented a paper: "The Dark Side of the Diaspora in Africa's Great Lakes Region".

Paris, France, 25-26 Nov 2010: Consortium for African and Asian Studies (CAAS) Symposium & Workshop on *Migration, Mobility and Globalisation*, at National Institute of Oriental Languages and Culture (INALCO), Paris. Presented a paper entitled: "Dismantling Borders?" East African Common Market and the Changing Regional Migration Ethos"

Nairobi, Kenya, March 2010: African Research and Resources Forum (ARRF), International Conference on *African Development Goals and Processes: Implications for the United States of Africa*. Presented a Paper entitled "From Regional to Continental Unity: Realising the United States of Africa through Regional Bodies."

Nairobi, Kenya, June 2009: TrustAfrica conference on: *Meeting the Challenge of Religion and Pluralism in Africa*. Represented the Network researching on "Religion and Democratisation Processes in Africa."

Dakar, Senegal: Oct-Nov 2009: CODESRIA Governance Institute on *Private Security Companies and Democratic Governance in Africa*. Presented on "Privatised Security in the Slum Areas of Kampala City."

Dakar, Senegal, Aug 2008: CODESRIA Democratic Governance Institute on *Religion and Religiosities in African Governance*. Presented on "The Political and Economic behind New Religiosities in Uganda."

Cairo, Egypt, Oct 2008: CODESRIA Gender Symposium on *Gender and Citizenship in the Context of Globalisation*. Presented a paper: "Uganda's Gendered Polity since 1995: The Reconstitution of the Public Sphere to Enhance the Presence and Participation of Women."

Cairo, Egypt, Nov 2007: CODESRIA Gender Symposium: *Gender in the Dynamics of Slavery and Enslavement*. My paper was entitled "A Gendered Analysis of the Costs and Consequences of Modern Slavery."

Bergen, Norway, 2-6 Oct 2006: CMI-Makerere Research Collaboration synthesis Workshop organised by Christian Michelsen Institute (Norway) and Makerere University (Ug). Co-presented Paper on "Administering the 2006 Elections in Uganda: The Role of the Electoral Commission."



Correct as of July 2014

"I learned that courage was not the absence of fear, but the triumph over it. The brave man is not he who does not feel afraid, but he who conquers that fear... I dream of the realization of the unity of Africa, whereby its leaders combine in their efforts to solve the problems of this continent. I dream of our vast deserts, of our forests, of all our great wildernesses... It always seems impossible until it's done. I am fundamentally an optimist. Whether that comes from nature or nurture, I cannot say. Part of being optimistic is keeping one's head pointed toward the sun, one's feet moving forward. There were many dark moments when my faith in humanity was sorely tested, but I would not and could not give myself up to despair. That way lays defeat and death

Rolihlahla Madiba MANDELA

African regional economic organizations will remain weak and subject to the same neo-colonialist pressures and domination, as long as they lack overall political cohesion. Without political unity, African states can never commit themselves to full economic integration, which is the only productive form of integration able to develop our great resources fully for the well-being of the African people as a whole. Furthermore, the lack of political unity places inter-African economic institutions at the mercy of powerful, foreign commercial interests, and sooner or later these will use such institutions as funnels through which to pour money for the continued exploitation of Africa... [A] union government should be in charge of economic development, defence and foreign policy, while other government functions would continue to be discharged by the existing states grouped, in federal fashion, within a gigantic central political organization. Clearly, this is the strongest position Africa could adopt in its struggle against modern imperialism. However, any sincere critical appraisal of past activities and achievements of the OAU would tend to show that, as it is now constituted, the OAU is not likely to ... achieve the political unification of Africa.

Osajefo Kwame NKRUMAH